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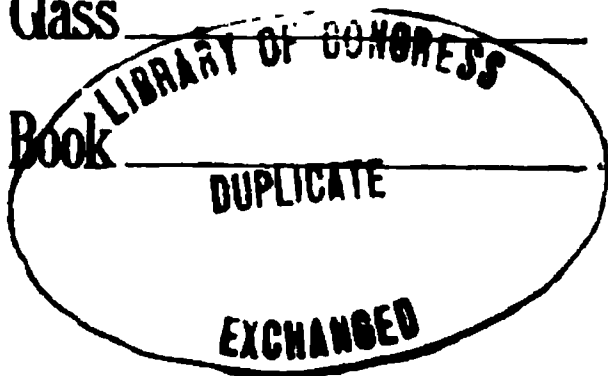






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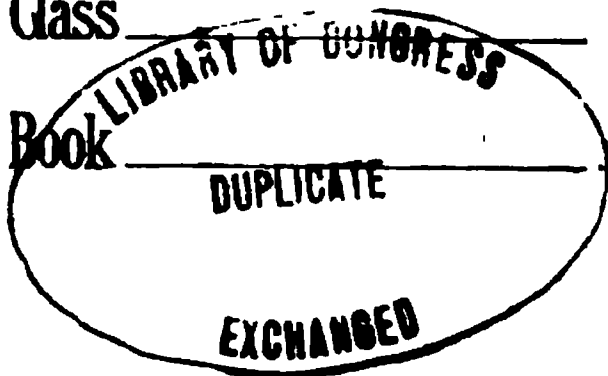


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*Texas Legislature - Senate*

# JOURNAL

OF THE

## SENATE OF TEXAS

BEING THE

### FIRST CALLED SESSION

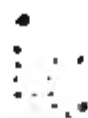
OF THE

### THIRTY-THIRD LEGISLATURE

BEGUN AND HELD AT

The City of Austin, July 21, 1913, to August 19, 1913

Un



PUBLISHED BY AUTHORITY OF THE SENATE



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# SENATE JOURNAL.

THIRTY-THIRD LEGISLATURE—FIRST CALLED SESSION.

## FIRST DAY.

Senate Chamber,  
Austin, Texas,  
Monday, July 21, 1913.

In obedience to the call of His Excellency, Hon. O. B. Colquitt, Governor of the State of Texas, convening the Thirty-third Legislature in Special Session, this, the 21st day of July, 1913, the Senate met in the Senate Chamber of the Capitol in the city of Austin, at 10 o'clock a. m., and was called to order by Lieutenant Governor Will H. Mayes.

## TEMPORARY ORGANIZATION.

The Chair announced the appointment of the following temporary officers:

Secretary, W. V. Howerton, of Travis county; Journal Clerk, R. M. Gilmore, of Van Zandt county; Sergeant-at-Arms, M. F. Hornbuckle, of Bosque county; Doorkeeper, Capt. E. I. Kellie, of Jasper county; Calendar Clerk, J. C. Stanberry, of Tarrant county.

Prayer by Rev. H. M. Sears.

The Chair then directed the roll called, the following Senators answering to their names:

Astin, J. R., Bryan, representing District No. 12.

Bailey, L. H., Houston, representing District No. 16.

Brelsford, H. P., Eastland, representing District No. 28.

Carter, E. H., Center, representing District No. 8.

Conner, R. P., Brownwood, representing District No. 26.

Cowell, S. B., Whitesboro, representing District No. 4.

Darwin, H. L., Cooper, representing District No. 2.

Gibson, F. M., Bonham, representing District No. 5.

Hudspeth, Claude B., El Paso, representing District No. 25.

Johnson, W. A., Memphis, representing District No. 29.

Lattimore, O. S., Fort Worth, representing District No. 30.

McGregor, T. H., Austin, representing District No. 20.

McNealus, J. C., Dallas, representing District No. 6.

Morrow, C. W., Hillsboro, representing District No. 10.

Real, Julius, Kerrville, representing District No. 24.

Taylor, C. W., Rogers, representing District No. 27.

Terrell, H. B., West, representing District No. 11.

Townsend, W. J., Jr., Lufkin, representing District No. 13.

Warren, Robt. L., Terrell representing District No. 9.

Watson, Q. U., Giddings, representing District No. 19.

Westbrook, Ed., Wolfe City, representing District No. 5.

Wiley, Jas. L., St. Jo, representing District No. 31.

Willacy, John G., Corpus Christi, representing District No. 23.

## Absent.

Collins, V. A., Beaumont, representing District No. 14.

District No. 7—Vacant.

Kauffman, J. E., Galveston, representing District No. 17.

District No. 22—Vacant.

District No. 18—Vacant.

District No. 1—Vacant.

District No. 21—Vacant.

Nugent, C. W., representing District No. 15.

## OATH OF OFFICE ADMINISTERED.

The Chair stated that Senator-elect James A. Harley, elected to fill the vacancy of the Twenty-first District, was present and that the Chair was in possession of telegrams from various county judges of the district stating that Mr. Harley had been duly elected.

Senator Hudspeth moved that the Senate accept the evidence of election and that Mr. Harley be seated as a member of the Senate from the Twenty-first Senatorial District.

The motion prevailed.

The Chair appointed Senators Hudspeth, Carter and Johnson as a committee to escort Mr. Harley to the bar of the Senate, whereupon the Chair administered the constitutional oath of office to him.

#### PROCLAMATION BY THE GOVERNOR.

The Chair here laid before the Senate the following proclamation:

Governor's Office,  
Austin, Texas, July 7, 1913.

Whereas, the Thirty-third Legislature adjourned the Regular Session thereof without making appropriations for the support of the State Government, as provided by the Constitution shall be done.

Now, therefore, the failure of the Legislature to pass such appropriation bill creates an extraordinary occasion, justifying the Governor to convene the Legislature in extra session, and I do hereby call the same to convene in the Capitol in the City of Austin, beginning at ten o'clock a. m., Monday, July 21, 1913, for the following purposes, to-wit:

1. To make appropriations for the support of the State Government and its institutions, and the repair, restoration and erection of necessary public buildings, for the fiscal years beginning September 1, 1913, and ending August 31, 1915.

2. To pass a law providing for and regulating the election of United States Senators from Texas by the people thereof, as provided shall be done hereafter by an amendment to Section 3 of Article 1 of the Constitution of the United States recently declared ratified and adopted by three-fourths of the States in the Union.

3. To revise or amend the provisions of the law now governing the management and control of the Penitentiary System as embraced in Chapter 10, Acts of the Fourth Called Session of the Thirty-first Legislature.

4. To consider and act upon such other matters as may be presented by the Governor, pursuant to Section 40 of Article 3 of the Constitution of Texas.

In testimony whereof, I hereunto sign my name and affix the Seal of State at Austin, Texas, this the 7th day of July, A. D. 1913.

(Seal.) O. B. COLQUITT,  
Governor of Texas.

By the Governor:

F. C. WEINERT,  
Secretary of State.

The State of Texas,  
Department of State.

I, D. A. Gregg, Acting Secretary of State of the State of Texas, do hereby certify that the attached and foregoing is a true and correct copy of the Proclamation of Hon. O. B. Colquitt, Governor of Texas, convening the Thirty-third Legislature in extra session at ten o'clock a. m., Monday, July 21, 1913.

In testimony whereof I have hereto signed by name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, Texas, this the 21st day of July, A. D. 1913.

(Seal.) D. A. GREGG,  
Acting Secretary of State.

#### PRESIDENT PRO TEM.—ELECTION OF.

The Chair then announced that the election of a President Pro Tem. was in order.

Senator Hudspeth nominated Senator E. H. Carter of Shelby county.

Senators Brelsford, Gibson and Lattimore seconded the nomination of Senator Carter.

There being no other nomination, the Chair declared nominations closed.

Senators Cowell, Lattimore and Gibson were appointed tellers.

The vote resulted as follows:

Senator Carter, 21 votes.

Senator Warren, 1 vote.

Senator Astin, 1 vote.

Senator Townsend, 1 vote.

The three latter names were not nominees.

Senator Carter having received a majority of all the votes cast, was declared duly and constitutionally elected.

The Chair appointed Senators Cowell, Lattimore and Gibson as a committee to escort Senator Carter to the President's stand, whereupon the constitutional oath of office was administered him.

#### NOTIFICATION COMMITTEE FROM HOUSE.

A committee from the House here appeared at the bar of the Senate and notified the Senate that the House was organized and ready for business.

#### RECESS.

On motion of Senator Lattimore, the Senate recessed until 3 o'clock today.

**AFTER RECESS.**

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes, and, on motion of Senator Watson, was at ease subject to call of the Chair.

At 4:20 o'clock p. m. the Senate was called to order by Lieutenant Governor Mayes.

**SENATE COMMITTEE REPORT.**

Senator Hudspeth offered the following committee report of the Senate caucus relative to the selection of officers and employes of the Senate for the Called Session:

Secretary, W. V. Howerton, Travis county.

Assistant Secretary, John D. McCall, Montgomery county.

Journal Clerk, R. M. Gilmore, Van Zandt county.

Assistant Journal Clerk, Homer Lowry, Wise county.

Calendar Clerk, J. C. Stanberry, Tarrant county.

Assistant Calendar Clerk, D. H. Ca-been, Fannin county.

Engrossing Clerk, Frank P. Smith, Cooke county.

Enrolling Clerk, W. P. Williams, Kaufman county.

Assistant Enrolling and Engrossing Clerk, J. C. Son, Palo Pinto county.

Sergeant-at-Arms, M. F. Hornbuckle, Bosque county.

Assistant Sergeant-at-Arms, J. A. Kenney, Dallas county.

Doorkeeper, Capt. E. I. Kellie, Jasper county.

Assistant Doorkeeper, I. D. Eagan.

Chaplain, Rev. H. M. Sears, Travis county.

Clerk-at-Large: W. W. Meachum, Grimes county.

Postmistress: Mrs. Clyde D. Smith.

General Committee Clerk: Garland Woodward.

Stenographers: Miss Jessie Garrard, Miss Theodora Bell, Ralph St. John, Miss Jennie Daugherty, Matt. Wilson, Miss Winnie Weddle, Mrs. Ethel Loose, Miss Tinsie Ragsdale, Miss Daisy Reedy, Miss Grace Hannon, Miss Rikka Peterson, Miss Ann Howe, Miss Mary Thompson, Miss Minnie Nance, Miss Mattie Jones, Miss Nellie Lowday: Miss Lillian Armstrong, Mailing Clerk; Miss Eula Hurlock: W. E. Boykin, General Clerk; Bob Barker, General Clerk; T. D. Stamps, General Clerk; Miss Ruby Bethel, Stenographer; Miss Bessie M. Sparks, General Clerk.

It is further recommended that the Lieutenant Governor appoint his private secretary, eight pages and six porters.

HUDSPETH, Chairman.

The above was read, and Senator Brelsford moved that same be adopted.

Senator Watson moved that the report be adopted and that those employes recommended be elected, except the officers that were required to be elected by ballot.

The motion prevailed, and the Chair declared the committee clerks and stenographers elected.

**ELECTION OF OFFICERS.**

Senator Hudspeth nominated W. V. Howerton for Secretary.

There being no other nominations, the Chair declared nominations closed.

Senators Taylor, Darwin and Westbrook were appointed as tellers.

Mr. Howerton received 21 votes and was declared duly and constitutionally elected.

Senator Lattimore moved that the Secretary be instructed to cast the vote of the Senate for the following officers, which motion prevailed:

Assistant Secretary, John D. McCall.

Journal Clerk, R. M. Gilmore.

Assistant Journal Clerk, Homer F. Lowry.

Calendar Clerk, J. C. Stanberry.

Assistant Calendar Clerk, D. H. Ca-been.

Engrossing Clerk, Frank P. Smith.

Enrolling Clerk, W. P. Williams.

Assistant Enrolling and Engrossing Clerk, J. C. Son.

Sergeant-at-Arms, M. F. Hornbuckle.

Assistant Sergeant-at-Arms, J. A. Kenney.

Doorkeeper, Captain E. I. Kellie.

Assistant Doorkeeper, I. D. Eagan.

Chaplain, Rev. H. M. Sears.

The above officers were declared duly elected.

**OATH OF OFFICE ADMINISTERED.**

The above officers, except the Chaplain, Rev. Mr. Sears, appeared en masse at the bar of the Senate and were administered the oath of office.

**APPOINTMENTS BY LIEUTENANT GOVERNOR.**

Private Secretary to Lieutenant Governor Mayes, Thomas Leach of Brown county.



Pages: Harry Little, Travis county; Wilbur Hill, Bastrop county; Gwynn Smith, Travis county; Forrest Hale, Harris county; Arthur Cofer, Travis county; William Atkinson, Travis county; John Cox, Culberson county; Ernest Cornitius, Travis county.

Porters: Ellis Monroe, Travis county; Frank Kelley, Caldwell county; Jack Blocker, Travis county; Chester Odom, Bell county; Horace Nichols, Dallas county.

#### NOTIFICATION COMMITTEES.

The Chair here appointed the following special committees to notify the Governor and House that the Senate was organized and ready for business:

To notify the Governor: Senators Warren, Hudspeth and Gibson.

To notify the House: Senators Johnson, Real and McNealus.

Later both committees made their reports.

#### SIMPLE RESOLUTION.

By Senator Brelsford:

Resolved, That each member of the Senate be permitted to subscribe for five daily papers, to be paid for out of the contingent fund of the Senate.

The resolution was read, and Senator Westbrook offered the following amendment:

Amend the resolution by inserting "three" where "five" occurs.

Senator Brelsford moved to table the amendment, which motion prevailed.

The resolution was adopted.

#### MESSAGE FROM THE GOVERNOR.

The Chair here laid before the Senate the following messages from the Governor:

Governor's Office,

Austin, Texas, July 21, 1913.

To the Texas Legislature:

In harmony with the provision of the Constitution relating to extra sessions of the Legislature you have been called together to consider and pass laws on the following subjects, to-wit:

Pass an appropriation bill.

Amend the penitentiary laws.

Provide for the election of United States Senators from Texas by direct vote of the people.

And such other subjects as may be subsequently submitted for your consideration.

#### Appropriations Asked For.

The heads of all departments, and superintendent of all State institutions were requested for a statement of their needs for the two fiscal years beginning September 1, 1913, and ending August 31, 1915. These estimates have been formulated into a tentative bill, the needs of the educational institutions, eleemosynary institutions, judiciary and executive departments being formulated into separate bills. The total requisitions show a demand for the following sums of money:

	For the Year Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Educational institutions .....	\$2,206,800	\$1,529,950
Eleemosynary institutions .....	1,607,645	1,437,595
Judicial department .....	967,063	965,863
Executive departments .....	1,321,020	1,260,232
Grand totals...	\$6,102,528	\$5,193,640

The Regular Session of the Thirty-third Legislature passed appropriation bills calling for the sum of \$1,382,832.38. The totals of these figures for the two years amount to \$12,679,000.38. But, of course, the heads of departments and the various State institutions do not expect that the Legislature will give them all they ask for.

#### The Last Appropriation Bill.

The last appropriation bill as approved carried the sum of \$5,144,279.26 and \$4,460,332.00 for the years ending August 31, 1912 and 1913, and the special appropriations made by the Legislature and approved amounted to \$781,269.99—a total of general and special appropriations by the Thirty-second Legislature of \$10,365,880.25. The sums already appropriated by the present Legislature and asked of them now, exceed the total appropriations by the Thirty-second Legislature by \$2,313,120.13.

The ad valorem taxes collected on the assessments for the year 1911 were used in paying the bills of the Thirty-second Legislature for the fiscal year ending August 31, 1912. The tax rate for 1911 was 12½ cents on the hundred dollars and this rate produced a revenue of \$2,565,494.60. The tax levy for the year 1912 was 10 cents on the hundred dollars of assessed values. This produced a revenue of \$2,474,535.31. More than half of the moneys, therefore, to meet the State's bills from general rev-

enue are raised by special taxes, being in the form, for the greatest part, of taxes on gross receipts of corporations, franchise taxes and occupation taxes imposed on liquor dealers and poll taxes.

It is estimated that the total of tax renditions for this year will approximate two billion six hundred and twenty million dollars. A tax rate of 10 cents on this value will produce a net revenue of about two and one-half million dollars to be applied on next year's expenses. I estimate the money coming into the Treasury from other sources for the next fiscal year, for general revenue use, at about three million dollars.

#### Public Improvements.

Of the \$12,679,000 asked at the hands of the Legislature at this time for the next two years, about two million of it is asked for use in the erection and repair of public buildings. If this sum is granted it will take an 8 cent tax rate for one year, or a 4 cent tax rate for two years, to meet the bill. During the first two years of the present administration there was expended and appropriated for new buildings and improvements the sum of \$1,139,563, as follows:

State Orphan Home.....	\$ 59,600
State Institution for the Training of Juveniles.....	58,500
Southwestern Insane Asylum.....	65,600
North Texas Hospital for the Insane .....	33,600
Epileptic Colony .....	18,300
State School for the Blind....	17,400
Deaf, Dumb and Blind Insti- tute for Colored.....	6,140
North Texas State Normal....	50,000
College of Industrial Arts....	79,500
Deficiency .....	7,071
Confederate Home .....	11,400
Confederate Woman's Home...	19,975
Restoration of Alamo.....	5,000
Deaf and Dumb Institute....	20,500
State Lunatic Asylum.....	28,177
Isolation pavilion, Galveston..	15,700
Public Buildings and Grounds..	4,000
Tuberculosis Colony .....	62,000
Sam Houston Normal.....	5,000
Thirty-third Legislature—Land	12,000
Southwestern State Normal...	26,600
Thirty-third Legislature— Buildings .....	7,500
A. & M. College.....	526,000
Total .....	\$1,139,563

An examination of the appropriation bills passed by the Thirtieth and Thirty-first Legislatures shows that they carried a total, for new buildings and im-

provements, for the years beginning September 1, 1907, and ending August 31, 1909, of \$382,000; and for the years beginning September 1, 1909, and ending August 31, 1911, \$287,000; a total for the four years of \$669,000. It has been the policy of this administration to build nothing but substantial, fireproof structures. I requested boards of managers and superintendents not to permit anything but fireproof buildings to be erected, and in every instance, where practical, this request has been followed, there being, perhaps, only one or two exceptions.

I shall forego a detailed discussion of appropriations and revenues, for I do not wish to tax your time with a lengthy message. I shall content myself in saying on this subject that the powers conferred upon the Governor's office will be used to the end that the expenses of the State will be held within her income, and put on a cash basis at the very earliest practical moment.

The revenues from ad valorem and special taxes have been ample to meet the bill on which the tax rate was based. But calamities of various kinds, including several disastrous fires, especially those at the Agricultural and Mechanical College, and the special appropriations by the present Legislature, will cause us to begin the next fiscal year with a deficit of about one million dollars. Except for these extraordinary expenses we could have begun the next fiscal year with a surplus of \$300,000 to \$400,000. If the appropriations, general and special, by the present Legislature are held to about six million dollars, a tax levy of 10 cents on the hundred dollars on the current year's assessments will be sufficient.

The people last fall adopted an amendment to the Constitution authorizing the levy of a tax of 5 cents on the hundred dollars to pay Confederate pensions, and at the Regular Session you passed a bill carrying this amendment into effect. This year, therefore, an extra tax of 5 cents has been levied by the Legislature to pay Confederate pensions. An item of \$500,000 was carried in the last appropriation bill for each year to pay such pensions. This item will not be in this year's bill. The two and one-half million increase in the budgets for two years as asked for is exclusive of this item.

#### Tardy Revenue Receipts.

I attach statements from the Comptroller, State Treasurer, Secretary of State and the Commissioner of Insur-

ance and Banking showing the sources of our revenue, and the amount collected from various sources. Especial attention is invited to the statement of the Treasurer which shows the amounts paid into the Treasury to the credit of general revenue, from all sources, each month. Perhaps the State's expenses are heavier in September, October and November—greater than any other period of the year, for during those months the cost of supplies purchased in July and August for the first quarter of the fiscal year, and in some instances for six months and the whole year, are coming in. The average cost of the State Government is about half a million dollars per month. But the Treasurer's statement shows that the Treasury's receipts for seven out of the twelve months were less than that sum, being as low as \$110,988 in September. The August collections come almost entirely from the payment of occupation taxes by liquor dealers. The ad valorem tax collected on this year's assessments will not begin to reach the Treasury until January, most or nearly all of it coming in January, February and March.

#### School Revenues.

The school tax of 16 2-3 cents has been levied for several years past, and although the revenues from land notes, bonds, and leases of land have not increased in the proportion that revenues for the general fund from special taxes have increased, yet there has been an increase in the per capita apportionment of the State School Fund to the children of the counties of five cents each year since I became Governor. The schools are running for a longer period each year and are gradually increasing in efficiency and effectiveness.

#### Election of United States Senators.

The Constitution of the United States relating to the election of United States Senators from the States of the Union has been amended so as to require the election of United States Senators by a direct vote of the people. The amendment is quoted in full so as to show the present requirements of the Federal Constitution on this subject. It is as follows:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for

electors of the most numerous branch of the State Legislature.

"When vacancies happen in the representation in any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the Legislature may direct."

There is no law now on the statutes of Texas providing for the election of United States Senators in harmony with the foregoing provision of the United States Constitution. Legislation in harmony therewith is urged upon you. If a vacancy were to occur in the representation from Texas in the Senate, neither the Governor nor the Legislature could fill such vacancy by appointment or election.

#### Prison Commission Law.

The law creating the Prison Commission and for the government of the State prisons, ought to be radically amended. I have discussed this law and the prison management and financial condition in previous messages in much detail. I refer you to my general message to the Legislature last January and to the special message of January 30, 1913. I also call your attention to the special message sent the Thirty-second Legislature especially pointing out amendments to the law which were desirable then. These recommendations, some of them, are especially pertinent now. This message is included in the proceedings of the 28th day of the Regular Session of the Thirty-second Legislature. The extra costs of operation of the prison system required by the law which took effect on January 20th preceding the writing of the message are pointed out, and their repeal recommended. These extra expenses have amounted to nearly half a million dollars in two years and represent one-third of the debts of the Prison System.

#### Less Detail Needed.

There is too much detail in the law, and too many hard and fast rules established that make the law impractical in its administration. The per diem to the prisoners provision should be eliminated; the ten-hour a day limitation should be changed; and the overtime regulation materially changed so as to make it apply to those who have to do night and Sunday work only.

### Estimated Cost of New Law.

Testifying before the Legislative Committee that framed the present Prison System Law, Mr. Jake Herring, then superintendent of the penitentiary, stated that it would cost the State five million dollars to put the new law into operation and carry it out. I see by the reports of his testimony before the Legislative Committee recently that he reiterated this statement.

### Costly Experiments.

But long before the enactment of the new statute which has called for large additional expenditures in the way of payment for extra time and other fixed charges not theretofore required, the State engaged in several costly experiments. The Prison System has about \$750,000 invested in sugar mills and they have never been profitable; on the contrary, they have cost large sums to keep them in repair and have, in my opinion, proven an annual loss to the State.

### The Iron Furnace.

Several hundred thousand dollars were expended in an iron furnace and pipe foundry at Rusk and operated for a number of years at a heavy loss. This furnace and foundry have been leased by the Prison Commissioners under terms which will probably be worth fifty thousand dollars per annum to the State in the way of freight to the State Railroad, the sale of ore, and the rental price, which is five thousand dollars per annum.

### The State Railroad.

The State Railroad, thirty-two miles in length and running from Rusk to Palestine, has never earned enough to pay its operating expenses and its upkeep. The losses on account of it to the Penitentiary System since January 20, 1911, the date the new law took effect, amount to over \$94,000. The State School Fund holds \$100,000 of the bonds issued in part payment of its construction. We have an offer to lease it for just enough to pay the interest on these bonds, but the offer is based upon the expenditure of the rental for a number of years in putting the property in safe condition for operation.

### Huntsville and Rusk Prisons.

Neither the Rusk nor the Huntsville prisons have ever made the cost of their maintenance. In fact, after careful study of the matter, I have reached the con-

clusion that for every dollar the system has made at either one of these prisons it has cost two dollars to produce it. I believe that the effort to make mechanics out of old men might as well be abandoned. After they reach mature years it is difficult to teach them a trade. Besides, I am in serious doubt as to whether we will ever be able to carry on a manufacturing business with convict labor. At all events, the older men should not be used in an effort to do so; only the young men, say from sixteen to twenty-five, should be employed in the prison factories. It is doubtful even if the short term young men can be profitably used in them.

### Brazos Bottom Farms.

It costs more to cultivate an acre of ground in the Brazos bottom—perhaps twice as much—in any given crop, than the black prairie land. It costs about twice as much to cultivate an acre of sugar cane in the Brazos bottom as cotton. It is doubtful if the Brazos bottom land will produce as much cotton per acre, one year with another for a series of years, as the black prairie land in Central or North Texas. As already stated, the cost of cultivation on the Brazos is much greater; on the prairies it does not require the most expensive live stock, whereas, on the Brazos the heaviest and most expensive mules have to be purchased and even they are worn out in four or five years and cease to be serviceable and meet the requirements. The State has in cultivation about thirty thousand acres of its own land on the Brazos, and it is safe to say that the force of men required to cultivate this ground could easily cultivate sixty thousand acres of prairie land. These are deductions of fact which I think few disinterested persons familiar with conditions will deny. We have now approximately 4,100 prisoners in the penitentiary and the population is rapidly increasing. On January 20, 1911, there were approximately 3,450 convicts. It has cost much to take care of this increase, to say nothing of the difficulties under which it has been done. But it is my deliberate opinion that the convicts capable of farm work could cultivate, in good condition, and gather the crops off of 100,000 acres of prairie land easier than they can cultivate the forty odd thousand acres now being worked on the Brazos. Any bill which may pass the present session of the Legislature should vest authority in the management, subject to the approval of the Governor, or some other authority, to sell all of the



State Brazos bottom holdings and invest it in good prairie land, conveniently located. We might as well quit experimenting with the Prison System and get down to a basis which we know at once and to start with, that the the soil, the seasons and conditions generally, one year with another, will be in the State's favor, and that fair returns will be received each year by the State from the labor of its prisoners.

#### Sugar Culture Expensive.

Whether the lands owned by the State on the Brazos are sold or not, I do not think any more should be purchased in that locality with a view to cultivating it in sugar cane. It is my deliberate recommendation, and will be, that the cultivation of sugar cane on the convict farms be abandoned as soon as practicable. It is a most expensive crop to cultivate; it is uncertain and as much subject to the seasons as other crops. In 1911 we had the biggest crop ever produced in the history of prison farming, but on Thanksgiving Day that year a freeze swept over the State extending to the coast and froze and destroyed practically all the cane in the fields, causing a loss of fully one half the crop. Then last year, the long drouth during the summer months stunted the cane's growth and the crop was very light—didn't pay fifty cents on the dollar of the cost of its cultivation.

#### If the Contention Is Correct.

If the advocates of "free sugar" or the admission of raw sugar into this country for refining from other countries free of tariff duty, are correct, sugar cane growing will be still less profitable when the provisions in the tariff bill now pending in Congress go into effect. Sugar refineries undoubtedly will be able to import raw sugar from Cuba, the Philippine Islands and other cane growing islands under the control of foreign governments, at a much less cost to themselves. This country does not produce enough sugar for its own consumption and that which is imported now costs the refiner the purchase price in the country of its production plus the freight plus the tariff. When a tariff bill that admits the unrefined sugar, or the raw material free of duty, is passed, the refiners will get their unrefined sugar at its cost on the producing market, plus the freight, and this fact will undoubtedly influence the price the domestic producer will get for his product. Whatever the effect upon the consumer of

sugar may be (and I do not believe it will affect him favorably) it is admitted by the ablest advocates of the doctrine that the sugar producer will probably have to go out of business. One of the ablest men in Congress, opening the debate on the tariff bill, referring to this question and the effect it would have upon the sugar planter, said in substance that the "provision in the bill providing for admitting unrefined sugar free of duty would not go into effect for three years, and in that length of time the sugar planters would have a chance to make enough to pay their debts to the merchants and bankers before retiring from the business," which is tantamount to saying the sugar planter is now, even, working for the merchant and the banker. This is practically true with the Texas Penitentiary System as a sugar producer. The system makes nothing and has made nothing growing sugar, under present conditions, and if they are to become worse by reason of national legislation, it is time for the State to abandon the cultivation of cane now and not wait until three years hence.

Of course, I do not suggest that these matters should be recited in amendments to the law governing the Prison System of the State. But any amended law that may be passed should make ample provision for practical business management with one responsible head, and vest in that management discretion to sell the lands now owned. The management already has discretion to plant or to abandon the planting of any crop that may prove unprofitable.

In view of the fact that a Legislative Committee has been making investigations of prison management and has received the benefit of the advice of many critics and some friends of the present law and managers, I forego a further discussion of this subject. Content with these observations, for the present, with a reiteration of the recommendations made in former messages, I sincerely ask the co-operation of the Legislature in a patriotic effort to give the people a sensible, business-like and practical law for the control of the Prison System and its management.

Respectfully submitted,

O. B. COLQUITT.

Governor of Texas.

Governor's Office,

Austin, Texas, July 21, 1913.

To the Texas Legislature:

I submit for your consideration and action the following:

The passage of an act for the retirement of \$500,000 in bonds of the State of Texas issued by virtue of Chapter 7 of the Acts of the Third Called Session of the Thirty-first Legislature and appropriating funds derived by way of penalties assessed against the Standard Oil Company of New Jersey and certain amounts out of the State Treasury for said purpose; and authorizing the Governor to retire said bonds and specifying that the bonds held by the permanent Agricultural and Mechanical College Fund shall be among those retired.

In explanation of the foregoing recommendation, I am just advised that judgment has been entered in the Eighth District Court of Hunt county in favor of the State against the Standard Oil Company of New Jersey for penalties for the violation of the anti-trust laws of the State in the sum of \$500,000.

Since he took the office, Attorney General Looney filed suit against the Standard Oil Company of New Jersey and companies alleged to be controlled by them in Texas. You are doubtless familiar with this litigation, and I deem it unnecessary to go into an explanation of it. The Attorney General and the State of Texas are to be congratulated upon the favorable termination of the suit against the Standard Oil Company of New Jersey, which has agreed to pay penalties of \$500,000 for violation of the anti-trust laws of Texas. This money will be paid into the State Treasury about Wednesday of this week. There are now outstanding State Treasury warrants in a sum exceeding this amount. They have been purchased by speculators in these warrants and discounted on a basis which contemplated their non-payment for several months. If the money is permitted to go into the General Revenue Account without action of the Legislature, it will be immediately disbursed in the payment of these Treasury warrants which have been purchased at a discount as already explained.

At the Third Called Session of the Thirty-first Legislature an act was passed authorizing the Governor to have bonds lithographed in a total sum of \$1,353,700.00 for the purpose of refunding and taking up a like amount of Texas State bonds maturing. These bonds at that time were held as follows:

\$799,000.00 by the Public School Fund; \$217,200.00 by the Permanent University Fund; \$24,300.00 by the Permanent Orphan Home Fund; \$29,500.00 by the Permanent Blind Asylum Fund; \$46,600.00 by the Permanent Deaf and Dumb Asylum Fund; \$62,800.00

by the Permanent Lunatic Asylum Fund, and \$174,000.00 by the Permanent Agricultural and Mechanical College Fund, and were bearing five per cent interest; the refunded bonds authorized by said act bear only three per cent. Since their refunding the Public School Fund and other public institution funds owning bonds have been losing two per cent interest annually.

Under an act of Congress endowing the Agricultural and Mechanical College with the bonds held by it, it is stipulated that the fund received by the Agricultural and Mechanical College must be invested in securities bearing not less than five per cent. The authorities of the United States Government are demanding of the Agricultural and Mechanical College authorities that this requirement of the Federal Statute be complied with. At the time the refunding of the bonds was authorized by the Third Called Session of the Thirty-first Legislature there was money in the State Treasury, collected from fines imposed upon the Waters-Pierce Oil Company, sufficient to pay off and retire said bonds, but the Governor used said fines in paying current expenses of the State Government, and insisted upon the refunding of the bonds herein referred to. In my opinion, the \$500,000 in penalties now collected from the Standard Oil Company of New Jersey ought not to be used in defraying the current expenses of the State Government, but good public policy suggests that it be used in retiring \$500,000 of three per cent bonds of the issue of 1910 so that said amount may be reinvested for the benefit of the Public School Fund, the University and the Agricultural and Mechanical College funds, in bonds bearing not less than five per cent interest.

I solicit prompt action on the part of the Legislature, and urge the speedy passage of a bill on this subject carrying into effect the suggestions herein made.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### ELECTION OF SECOND ASSISTANT SERGEANT-AT-ARMS.

Senator Terrell moved that J. P. Hall of Hays county be elected Second Assistant Sergeant-at-Arms of the Senate.

The motion was adopted by the following vote:

## Yeas—14.

Astin.	Hudspeth.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Real.
Cowell.	Terrell.
Gibson.	Watson.
Harley.	Wiley.

## Nays—7.

Conner.	Townsend.
Darwin.	Westbrook.
Johnson.	Willacy.
Taylor.	

Present—Not Voting.

Morrow.

## Absent.

Collins.	Nugent.
Kauffman.	Warren.
Lattimore.	

The Chair declared Mr. Hall elected Second Assistant Sergeant-at-Arms.

## REASON FOR VOTE.

I vote "nay" on the motion to elect Mr. J. P. Hall Assistant Sergeant-at-Arms for the reason that there have already been several gentlemen selected for positions in the Senate for which there are no duties to perform, and they might be assigned to these duties and thus relieve the State of the expense of another employe.

JOHNSON.

## BILLS AND RESOLUTIONS.

By Senator Willacy:

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem pay and mileage of members, and per diem pay of officers and employes of the First Called Session of the Thirty-third Legislature of the State of Texas, convened July 21, 1913, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Willacy:

Senate bill No. 2, A bill to be entitled "An Act making appropriation of the sum of fifteen thousand dollars, or so much thereof as may be necessary to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, convened July 21, 1913, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senators Taylor, Willacy, Hudspeth and Lattimore:

Senate bill No. 3, A bill to be entitled "An Act providing for the election of United States Senators by a direct vote of the people in accordance with the recent amendment to the Federal Constitution; providing that when vacancies happen in the representation of this State in the Senate of the United States that the Governor may make temporary appointments and shall issue the necessary writs of election to fill such vacancy, and also providing for the holding of primaries by political parties for the nominations of candidates for the United States Senate, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hudspeth:

Senate bill No. 4, A bill to be entitled "An Act for the retirement of \$500,000 in bonds of the State of Texas issued by virtue of Chapter 7 of the Acts of the Third Called Session of the Thirty-first Legislature and appropriating funds derived by way of penalties assessed against the Standard Oil Company of New Jersey and certain amounts out of the State Treasury for said purpose; and authorizing the Governor to retire said bonds, and specifying that the bonds held by the permanent Agricultural and Mechanical College fund shall be among those retired, and declaring an emergency."

Read first time and referred to Committee on Finance.

## OATH OF OFFICE ADMINISTERED TO MR. HALL.

The Chair here administered the oath of office to Mr. Hall, Second Assistant Sergeant-at-Arms.

## COMMITTEE REPORTS.

Senator Willacy here offered the following committee reports:

Committee Room.

Austin, Texas, July 21, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

Senate bill No. 1, A bill to be entitled



"An Act making appropriation to pay the per diem pay and mileage of members, and per diem pay of officers and employes of the First Called Session of the Thirty-third Legislature of the State of Texas, convened July 21, 1913, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WILLACY, Chairman.

Committee Room,  
Austin, Texas, July 21, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

Senate bill No. 2, A bill to be entitled "An Act making appropriation of the sum of fifteen thousand dollars, or so much thereof as may be necessary to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, convened July 21, 1913, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WILLACY, Chairman.

#### SENATE BILL NO. 1.

On motion of Senator Willacy, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering Senate bill No. 1.

The committee report, which provided that the bill be not printed, was adopted.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and Senate bill No. 1 was put on its second reading by the following vote:

Yeas—22.

Astin.	Harley.
Bailey.	Hudspeth.
Brelsford.	Johnson.
Carter.	McGregor.
Conner.	Morrow.
Cowell.	Real.
Darwin.	Taylor.
Gibson.	Terrell.

Townsend.  
Warren.  
Watson.

Westbrook.  
Wiley.  
Willacy.

Absent.

Collins.  
Kauffman.  
Lattimore.

McNealus.  
Nugent.

The Chair laid before the Senate, on its second reading,

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem pay and mileage of members and per diem pay of officers and employes of the First Called Session of the Thirty-third Legislature of the State of Texas, convened July 21, 1913, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

The bill was read second time and was passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Harley.  
Hudspeth.  
Johnson.  
McGregor.

McNealus.  
Morrow.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Warren.  
Watson.  
Westbrook.  
Wiley.  
Willacy.

Absent.

Collins.  
Kauffman.

Lattimore.  
Nugent.

The bill was read third time and was passed by the following vote:

Yeas—23.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Harley.  
Hudspeth.  
Johnson.  
McGregor.

McNealus.  
Morrow.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Warren.  
Watson.  
Westbrook.  
Wiley.  
Willacy.

## Absent.

Collins. Lattimore.  
Kauffman. Nugent.

Senator Willacy moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 2.

On motion of Senator Willacy, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering Senate bill No. 2.

The committee report, which provided that the bill be not printed, was adopted.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and Senate bill No. 2 was put on its second reading by the following vote:

## Yeas—22.

Astin. McNealus.  
Bailey. Morrow.  
Brelsford. Real.  
Carter. Taylor.  
Conner. Terrell.  
Cowell. Townsend.  
Darwin. Warren.  
Gibson. Watson.  
Harley. Westbrook.  
Hudspeth. Wiley.  
Johnson. Willacy.

## Absent.

Collins. McGregor.  
Kauffman. Nugent.  
Lattimore.

The Chair laid before the Senate, on its second reading,

Senate bill No. 2, A bill to be entitled "An Act making appropriation of the sum of fifteen thousand dollars, or so much thereof as may be necessary to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, convened July 21, 1913, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

The bill was read second time and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—23.

Astin. McNealus.  
Bailey. Morrow.  
Brelsford. Real.  
Carter. Taylor.  
Conner. Terrell.  
Cowell. Townsend.  
Darwin. Warren.  
Gibson. Watson.  
Harley. Westbrook.  
Hudspeth. Wiley.  
Johnson. Willacy.  
McGregor.

## Absent.

Collins. Lattimore.  
Kauffman. Nugent.

The bill was read third time and was passed by the following vote:

## Yeas—23.

Astin. McNealus.  
Bailey. Morrow.  
Brelsford. Real.  
Carter. Taylor.  
Conner. Terrell.  
Cowell. Townsend.  
Darwin. Warren.  
Gibson. Watson.  
Harley. Westbrook.  
Hudspeth. Wiley.  
Johnson. Willacy.  
McGregor.

## Absent.

Collins. Lattimore.  
Kauffman. Nugent.

Senator Willacy moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## ADJOURNMENT.

On motion of Senator Hudspeth, the Senate, at 5:30 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

# In Memory of Hon. W. J. Greer

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By Senator Hudspeth et al.:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. W. J. Greer, late a State Senator, of Van Zandt county, and late President Pro Tem. of the Senate.

Resolved, That as a mark of respect to the memory of the deceased Senator, the business of this Senate be suspended for one hour Wednesday, July 23, prior to adjournment, to enable his associates to pay proper tribute to his high character and distinguished public service, and that we adjourn on that day out of respect to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the family of the deceased Senator, and that a page in the Journal be set apart and dedicated to his memory.

HUDSPETH,  
DARWIN,  
WARREN,  
WILLACY,  
CARTER.

The resolution was read and unanimously adopted by a rising vote.

## SECOND DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, July 22, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Real.
Carter.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Harley.	Westbrook.
Johnson.	Wiley.
Lattimore.	Willacy.

Absent.

Collins.	McGregor.
Hudspeth.	Nugent.
Kauffman.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Carter.

(See Appendix for standing committee reports.)

## SIMPLE RESOLUTION.

By Senator Westbrook:

Be it resolved by the Senate, That it is the sense of this body that members and employes may remove their coats during the session, when it will be conducive to their comfort to do so.

The resolution was read, and

Senator Brelsford offered the following amendment:

Amend by adding: "Provided, this shall apply only to members or employes of 200 pounds or more weight."

BRELSFORD,  
REAL,  
HUDSPETH.

Senator Westbrook moved to table the amendment, which motion was lost.

Senator Watson offered the following amendment to the amendment, which was read and adopted:

Amend the amendment by striking out "200" and insert in lieu thereof "192."

Action recurred on the amendment, as amended, and the same was lost by the following vote:

Nays—15

Astin.	Morrow.
Conner.	Real.
Cowell.	Taylor.
Gibson.	Townsend.
Harley.	Warren.
Johnson.	Westbrook.
Lattimore.	Wiley.
McNealus.	

Present—Not Voting.

Brelsford.	Watson.
Carter.	Willacy.
Darwin.	

Absent.

Bailey.	McGregor.
Collins.	Nugent.
Hudspeth.	Terrell.
Kauffman.	

Senator McNealus moved to table the resolution, which motion was adopted by the following vote:

Yeas—18.

Astin.	Johnson.
Bailey.	Lattimore.
Brelsford.	McNealus.
Carter.	Morrow.
Conner.	Real.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Wiley.
Harley.	Willacy.

Nays—3.

Taylor.	Westbrook.
Townsend.	
	Absent.
Collins.	McGregor.
Hudspeth.	Nugent.
Kauffman.	Terrell.

## ASSIGNED ON STANDING COMMITTEES.

The Chair here announced the assignment of Senator Harley on the following standing committees: State Penitentiaries, Educational Affairs, Roads, Bridges and Ferries, Congressional Districts, Senatorial Districts, Insurance, Statistics and History.

## ADJOURNMENT.

On motion of Senator Willacy, the Senate, at 10:40 o'clock a. m., adjourned until 10 o'clock tomorrow morning.

## APPENDIX.

## COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, July 22, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem pay and mileage of members, and per diem pay of officers and employes of the First Called Session of the Thirty-third Legislature of the State of Texas, convened July 21, 1913, by proclamation of the Governor; providing how accounts may be approved, and declaring an emergency,"

And find the same correctly engrossed.  
BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, July 22, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 2, A bill to be entitled "An Act making appropriation of the sum of \$15,000, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, convened July 21, 1913, by the proclamation of the Governor; providing how accounts may be approved, and declaring an emergency,"

And find the same correctly engrossed.  
BRELSFORD, Chairman.

## THIRD DAY.

Senate Chamber,  
Austin, Texas,  
Wednesday, July 23, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Hayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Darwin.
Bailey.	Gibson.
Brelsford.	Harley.
Carter.	Hudspeth.
Conner.	Johnson.
Cowell.	Lattimore.

McGregor.  
McNealus.  
Morrow.  
Real  
Taylor.  
Terrell

Townsend.  
Warren.  
Westbrook.  
Wiley.  
Willacy.

Absent.

Collins.  
Kauffman.

Nugent.  
Watson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Cowell.

(See Appendix for petition and memorials and standing committee reports.)

CONDOLENCE TO SENATOR  
NUGENT.

The Chair had the following telegram read to the Senate:

"Conroe, Texas, July 22, 1913.

"Hon. W. H. Mayes, Lieutenant Governor, Austin, Texas.

"Dear Governor:—I have been for some time, and am yet, very ill. My mother died in my home this morning. I am dictating this message while lying flat on my back in bed. Please communicate this to my brother Senators. I will be at my desk next Monday morning if able to travel, and think I shall be.  
C. W. NUGENT."

The above was read and Senator Hudspeth offered a resolution extending sympathy to Senator Nugent on account of the death of his mother.

The resolution was unanimously adopted. (See "Memorial Page" for the resolution in full.)

## EXCUSED.

Senator Hudspeth moved that Senator Nugent be excused indefinitely on account of sickness, which motion prevailed.

NOTICE OF DEATH OF SENATOR  
KAUFFMAN.

Senator Hudspeth et al., offered a resolution anent the death of Senator Kaufman.

The resolution was unanimously adopted and will be found on separate "Memorial" page.

## SIMPLE RESOLUTION.

By Senator Brelsford:

Resolved, That Senator McNealus be placed on the Committee on Constitutional Amendments, as a member, to fill the vacancy caused by the resignation of Senator Murray.

The resolution was read and adopted.

## OATH OF OFFICE ADMINISTERED.

Senator Lattimore offered the following resolution:

Whereas, Hon. Earl M. Greer has been elected as State Senator from the Seventh District to succeed and fill out the unexpired term of his lamented father, Hon. W. J. Greer; and

Whereas, The certificate of his election has not been issued, but the Senate is satisfied of the fact of such election;

Therefore, We move that Hon. Earl M. Greer be now presented at the bar of the Senate and sworn, in accordance with the Constitution of the State.

LATTIMORE,  
HUDSPETH.

The resolution was read and adopted by the following vote:

Yeas—24.

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Harley.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Lattimore.	Willacy.

Absent.

Collins.

Absent—Excused.

Nugent.

The Chair declared the resolution adopted and appointed Senators Lattimore and Hudspeth as a committee to escort Senator-elect Greer to the President's stand, whereupon the constitutional oath of office was administered to him by the President of the Senate.

## SIMPLE RESOLUTION.

By Senator Townsend:

I move that Senator V. A. Collins be

excused from attendance upon the sessions of the Senate for this week on account of important business.

The resolution was read and adopted.

## EXECUTIVE MESSAGE.

The Chair laid before the Senate the following message from the Governor:

Governor's Office,  
Austin, Texas, July 22, 1913.

To The Senate:

I respectfully ask the advice and consent of the Senate to the following recess appointments:

To be Assistant State Health Officer—Dr. Henry Hartmann of DeWitt county.

To be Judge of the Forty-fifth Judicial District—Hon. S. G. Tayloe of Bexar county, to succeed J. L. Camp, resigned.

To be District Attorney for the Twenty-first Judicial District—Hon. Jack Jenkins of Bastrop county, to succeed J. S. Jones, resigned.

To be State Pension Commissioner—Hon. Geo. W. Kyser of Caldwell county, to succeed R. A. Buford, resigned.

To be Judge of the Special District Court for the Ninth Judicial District—Hon. Julian Llewellyn of Montgomery county.

To be Judge of the Special District Court of Grayson county—Hon. W. J. Mathis of Grayson county.

To be a member of the Board of Prison Commissioners—Ben E. Cabell of Dallas county.

To be Secretary of State—Hon. F. C. Weinert of Guadalupe county, to succeed John L. Wortham, resigned.

To be members of the Board of Managers of the Epileptic Colony at Abilene—H. B. Cook and Geo. Minter of Taylor county.

To be members of the Board of Managers of the North Texas Hospital for the Insane—A. R. Andrews and Thos. B. Griffith of Kaufman county.

To be Branch Pilot at Port Aransas—Captain E. B. Mercer of Aransas county.

To be District Attorney for the Thirty-seventh Judicial District—Hon. W. C. Linden of Bexar county.

To be members of the Board of Managers of the Deaf and Dumb Institute—Hon. Ike D. White and Hon. R. W. Finley, both of Travis county.

To be members of the Board of Regents of the University of Texas—Hon. Jos. Faust of Comal county, and Dr. A. W. Fly of Galveston county.

To be members of the State Board of

Embalmers—Geo. W. Loudermilk of Dallas county, and C. B. Sutherland of Navarro county.

To be members of the Board of Managers of the Deaf, Dumb and Blind Institute for Colored Youths—Hon. E. Cartledge, W. M. Dunson and Sidney F. Grumbles, all of Travis county.

To be Gonzales State Park Commissioners—R. S. Dilworth, John C. Jones and J. W. Rainbolt, all of Gonzales county.

To be State Reclamation Engineer—A. A. Stiles of Travis county.

To be State Insurance Commissioners—S. W. English of Cooke county and A. H. Haynes of Travis county.

To be a member of the State Board of Medical Examiners—Dr. Samuel L. Scothorn of Dallas county, to succeed P. M. Peck, resigned.

To be members of the Board of Managers of the Confederate Woman's Home—Dave Harrell, W. P. Allen and John H. Chiles, all of Travis county.

To be member of the Board of Managers of the State Lunatic Asylum at Austin—Carl Nelson of Williamson county.

To be a member of the Board of Directors of the Agricultural and Mechanical College—Thos. E. Battle of Falls county, and J. Sheb Williams of Lamar county.

To be members of the Board of Trustees of the Blind Institute—W. A. Trenckmann of Travis county, and Ed. W. Giesen of Hays county.

To be members of the Governing Board of Agricultural Experiment Stations—Hon. Chas. Rogan of Travis county, and Hon. Pink L. Downs of Bell county.

To be a member of the Board of Managers of the Confederate Home—H. G. Askew of Travis county.

To be members of the Board of Managers of the State Orphans' Home at Corsicana—Hon. R. S. Neblett, and Mat Young, both of Navarro county.

To be a member of the Board of Managers of the Southwestern Insane Asylum—Hon. J. F. Carl of Bexar county.

Respectfully submitted,

O. B. COLQUITT,  
Governor of Texas.

#### ASSIGNED ON STANDING COMMITTEES

The Chair here announced the appointment of Senator Greer as member of the following standing committees:

Judiciary No. 1, State Penitentiaries, Judicial Districts, State Asylums.

Morning call concluded.

2—S

#### INVITATION TO THE SENATE.

By Senator McGregor:

The Texas Fine Arts Association extends to each member of the Senate and his family and friends an invitation to visit Formosa, the Elizabeth Ney Studio, in Hyde Park, Thursday and Friday afternoons, of this week, from 4 to 7 o'clock.

In addition to the "Ney Marbles" there will be an exhibition of paintings by local artists.

Jas. McClendon, President; Mrs. J. B. Dibrell, Mrs. O. B. Colquitt, Miss Julia Peas, Mrs. Percy V. Pennybacker, Miss Janet Downie, Mrs. A. N. McCallum, Mrs. H. P. Hunnicutt.

Morning call concluded.

#### SENATE BILL NO. 4.

The Chair laid before the Senate, Senate bill No. 4, and,

On motion of Senator Hudspeth the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering Senate bill No. 4 (see Appendix for committee report).

The Chair laid before the Senate on second reading,

Senate bill No. 4, A bill to be entitled "An Act for the retirement of \$500,000 in bonds of the State of Texas issued by virtue of Chapter 7 of the Acts of the Third Called Session of the Thirty-first Legislature and appropriating funds derived by way of penalties assessed against the Standard Oil Company of New Jersey and certain amounts out of the State Treasury for said purpose; and authorizing the Governor to retire said bonds, and specifying that the bonds held by the permanent Agricultural and Mechanical College fund shall be among those retired, and declaring an emergency."

Action recurred on the committee report, which provided that the bill be not printed, and the same was adopted.

The reading of the bill in full was called for.

Senator Townsend made the point of order that it required a two-thirds vote to suspend the rule requiring committee reports to lie over for one day, and the Chair sustained the point of order.

Senator Lattimore made the point of order that the Senate was acting without rules, in that the called session had not adopted rules. The Chair overruled the point of order, holding that the



rules of the Regular Session would govern.

Action then recurred on the motion to suspend the Senate rule requiring committee reports to lie over for one day, and the same was adopted by the following vote:

Yeas—18.

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Real.
Carter.	Taylor.
Cowell.	Terrell.
Gibson.	Warren.
Harley.	Watson.
Hudspeth.	Wiley.
Lattimore.	Willacy.

Nays—6.

Conner.	Johnson.
Darwin.	Townsend.
Greer.	Westbrook.

Absent.

Morrow.

Absent—Excused.

Collins.	Nugent.
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The committee report was adopted.

Pending the reading of the bill, Senator Townsend made the point of order that it required a two-thirds vote of the Senate elected to suspend a Senate rule.

The Chair overruled the point of order. The bill was read in full.

Senator Willacy offered an amendment, but later it was withdrawn.

On motion of Senator Lattimore the bill was laid on the table subject to call.

SIMPLE RESOLUTION.

By Senator Watson:

Be it resolved by the Senate that the Secretary of State be requested to furnish each member of the Senate duplicate copies of the Acts of the Regular Session of the Thirty-third Legislature.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator McGregor:

Whereas, Provision has not been made for per diem pay of officers and employes of the Senate of the First Called Session of the Thirty-third Legislature,

Therefore, Be it Resolved, That the Secretary and the Journal Clerk each

receive \$7.50 per day for their services; that other employes shall each receive \$5.00 per day, except pages and porters, who shall receive \$2.00 per day each.

The resolution was read and the Chair referred same to Committee on Contingent Expenses.

SENATE BILL NO. 4.

(Pending Business.)

Senator Hudspeth called up from the table Senate bill No. 4.

Senator Willacy offered the following several amendments, separately, and signed by Senators Willacy, Wiley, Cowell, Lattimore and Hudspeth, which were read and adopted:

No. 1. Amend the caption of the bill by inserting after the word "find" in the next to the last line of said caption the following: "and by the permanent school fund."

No. 2. Amend by adding after the word "retired" in the next to the last line of the caption the following: "and providing for the reinvestment of the funds arising from the retirement of such bonds."

No. 3. Amend the bill by inserting after the word "of" where it first occurs in the last line of said caption by inserting the words: "an amount not exceeding."

No. 4. Amend the bill by inserting after the word "retire" in line 2 of Section 1 the following: "an amount not to exceed."

No. 5. Amend the bill by striking out all of Section 1 after the word "fund" in the next to the last line of said Section, by inserting in lieu thereof the following: a semi-colon and the words "provided that all funds realized from the retiring of said bonds shall be re-invested in bonds of school districts and school house bonds of the State of Texas bearing interest at a rate not less than five (5%) per cent.

No. 6. Amend the bill by striking out all after the word "purpose" in Section 2 and by inserting a period in lieu of the semi-colon after said word "purpose."

The bill was read second time and passed to engrossment.

On motion of Senator Hudspeth the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—24

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Harley.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Lattimore.	Willacy.

## Nays—1

Conner.

Absent—Excused.

Collins.

Nugent.

The bill was read third time and passed by the following vote:

## Yeas—23

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Real.
Carter.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.
Lattimore.	

## Nays—2

Conner.

Morrow.

Absent—Excused.

Collins.

Nugent.

Senator Hudspeth moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## RECESS.

On motion of Senator Bailey the Senate, at 12:30 o'clock p. m., recessed until 3 o'clock p. m. today.

## AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Carter.

## OATH OF OFFICE ADMINISTERED.

Senator Hudspeth here gave notice that Senator-elect I. E. Clark of the 18th Senatorial District, was present, and,

Senator Willacy presented the following statement showing that Dr. Clark has been elected:

Hallettsville, Texas,  
July 22, 1913.

## To Whom It Concerns:

The election of Dr. I. E. Clark, of Schulenburg, late candidate for Senator on the Independent Ticket in the special senatorial election held in the Eighteenth Senatorial District of Texas, July 19, 1913, is hereby conceded, he being opposed in said election only by the undersigned, who was the Socialist Party nominee for the same office at the same time.

E. R. MEITZEN.

Senator Willacy moved that Dr. Clark be sworn in as a member of the Senate from the 18th District. The motion prevailed by the following vote:

## Yeas—21

Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Conner.	Real.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.
Lattimore.	

Absent.

Astin.	Taylor.
Gibson.	Terrell.

Absent—Excused.

Collins.

Nugent.

The Chair appointed Senators Lattimore, Willacy and Hudspeth to escort Senator Clark to the president's stand, whereupon the constitutional oath of office was administered him by the President Pro Tem.

## COMMITTEE TO ATTEND FUNERAL OF SENATOR KAUFFMAN.

Senator Warren here moved that Senators McNealus and Hudspeth be appointed as a committee to select a

floral design to be sent to the home of Senator Kauffman at Galveston and, on motion of Senator Brelsford, Senator Warren was made a member of the committee.

President Pro Tem Carter then announced the following committee to attend the funeral of Senator Kauffman at Galveston on Friday: Senators Hudspeth, Watson, Bailey, Astin and Warren.

#### AT EASE.

On motion of Senator Watson the Senate was at ease subject to the call of the Chair.

At 4:40 o'clock the Senate was called to order by President Pro Tem Carter.

#### MESSAGE FROM THE HOUSE.

Hall of the House of Representatives,  
Austin Texas, July 23, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 1, judiciary bill, making appropriations for same.

Also House Concurrent Resolution No. 1, Relating to correction to be made in Senate Joint Resolution No. 12, passed by the Regular Session of the Thirty-third Legislature.

House Concurrent Resolution No. 2, Requesting the Governor to submit the subject of appointment of notaries public.

Also simple resolution, inviting Thos. J. Tynan to address the Legislature tomorrow night at 8:30 p. m.

Senate bill No. 1, mileage and per diem.

Senate bill No. 2, contingent expenses.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILL AND RESOLUTIONS ON FIRST READING.

The Chair, President Pro Tem. Carter, referred, after their captions had been read, the following House bills and resolutions:

House bill No. 1, referred to Committee on Finance.

House Concurrent Resolution No. 1,

referred to Committee on Constitutional Amendments.

House Concurrent Resolution No. 2, referred to Judiciary Committee No. 1.

#### HOUSE SIMPLE RESOLUTION.

The Chair laid before the Senate House simple resolution, inviting Hon. Thomas J. Tynan, Superintendent of the Penitentiary of the State of Colorado, to address the House and inviting the Senate to attend.

The resolution was read and adopted.

#### REPORT OF PENITENTIARY INVESTIGATING COMMITTEE.

Senator Willacy here presented a report of the Penitentiary Investigating Committee, appointed at the Regular Session, and,

Senator McNealus offered the following simple resolution:

Whereas, the report of the Joint Committee of Investigation of the State Penitentiaries, today submitted to the Senate, is of extraordinary importance; and,

Whereas, Every Senator is interested in giving the same personal and careful consideration; therefore, be it

Resolved, That the report be sent at once to the public printer, with instructions that it be given preference over other work, that the Senate may have the benefit of printed copies of the report for its members at the earliest possible moment.

Senator Brelsford offered the following amendment:

Resolved, That the Committee on Contingent Expenses be authorized to have printed 5,000 copies of the Report of the Penitentiary Committee including interrogatories, answers and exhibits.

Senator Taylor offered the following amendment to the amendment:

Amend the resolution by substituting 1,000 for 5,000.

On motion of Senator Brelsford the amendment to the amendment was tabled.

Senator Cowell offered the following substitute for the resolution and the amendment:

Substitute for pending resolution and amendment.

Moved that the Chairman of the Senate Committee on Contingent Expenses be instructed to confer with the Chairman of the same committee from the House with a view to finding out the

cost of publishing the report of the Penitentiary Committee in pamphlet form and report back to the Senate at the earliest possible date.

COWELL,  
GIBSON,  
LATTIMORE.

The substitute was read and adopted.

### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Hudspeth:

Whereas, the Senate of the United States is now engaged in debating a resolution offered by a distinguished United States Senator from the West concerning the policy that should be pursued by the government of the United States in defense of the rights of its citizens in Mexico; and

Whereas, American lives have been jeopardized and American property destroyed in Mexico by a persistent refusal of this government to extend the proper protection to its citizens and their property in that country, when other foreign countries were protecting their citizens and their property rights by a firm attitude; and

Whereas, a firm and dignified policy which recognizes and respects the rights of our neighboring public and demands in return respect of the rights of our citizens there, will tend to preserve peace by promoting mutual respect; and

Whereas, the National Democratic platform, adopted at Baltimore on July 2, 1912, contains the following declaration of party faith, to-wit:

"We pledge ourselves anew to preserve the sacred rights of American citizenship at home and abroad. The constitutional rights of American citizens should protect them on our borders, and go with them throughout the world, and every American citizen residing, or having property in any foreign country, is entitled to, and must be given the full protection of the United States Government, both for himself and his property"; now, therefore, be it

Resolved, That it is the sense of the Senate of Texas that the government of the United States should redeem and give meaning to the foregoing pledge of party faith in vindication of the national honor; be it further

Resolved, That the Secretary of the Senate be instructed to forthwith transmit this resolution by wire to the Presi-

dent of the United States and to the Senators and Representatives from Texas.

Senator Lattimore offered the following amendment:

Amend the resolution by striking out word "wire" and insert "mail."

Senator Wiley moved that the resolution be referred to Committee on Federal Relations.

Pending discussion, Senator Wiley moved the previous question on the motion to refer, which motion being duly seconded, was so ordered.

The motion to refer the resolution to Committee on Federal Relations was adopted by the following vote:

#### Yeas—14

Astin.  
Brelsford.  
Darwin.  
Greer.  
Harley.  
Johnson.  
McNealus.

Real.  
Taylor.  
Terrell.  
Townsend.  
Warren.  
Westbrook.  
Wiley.

#### Nays—10

Carter.  
Clark.  
Conner.  
Cowell.  
Gibson.

Hudspeth.  
Lattimore.  
McGregor.  
Morrow.  
Watson.

#### Present—Not Voting.

Willacy.

#### Absent.

Bailey.

#### Absent—Excused.

Collins.

Nugent.

### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Johnson:

Whereas, Several members of the Senate desire to attend to the duties of the State during the cooler hours of the night time;

Resolved, That the Superintendent of Public Buildings and Grounds be instructed to run the lighting plant and keep open the Capitol building until midnight during this called session.

The resolution was read, and Senator Watson offered the following amendment:

Amend the resolution by making same read "that all sessions of the Senate held after 1 o'clock p. m. shall begin at 8 o'clock p. m."

The amendment was ruled out of order.

The resolution was then adopted.

#### MEMORIAL SERVICES POSTPONED.

Senator Darwin moved that the memorial services, in memory of the late Senators Greer and Kauffman, be postponed until Monday, immediately after the morning call.

The motion prevailed.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Watson:

Be It Resolved by the Senate, That no sessions of the Senate be held after 1 o'clock p. m., but that a session shall be held each day, Sunday excluded, beginning at 8 o'clock p. m.

On motion of Senator Wiley the resolution was tabled.

#### ADJOURNMENT.

On motion of Senator Morrow, the Senate, at 6:20 o'clock p. m., adjourned at 10 o'clock tomorrow morning.

#### APPENDIX.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, July 22, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

Senate bill No. 4, A bill to be entitled "An Act for the retirement of \$500,000 in bonds of the State of Texas issued by virtue of Chapter 7 of the Acts of the Third Called Session of the Thirty-first Legislature and appropriating funds derived by way of penalties assessed against the Standard Oil Company of New Jersey and certain amounts out of the State Treasury for said purpose; and authorizing the Governor to retire said bonds and specifying that the bonds held by the permanent Agricultural and Mechanical

College Fund shall be among those retired, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WILLACY,

Chairman.

Committee Room,

Austin, Texas, July 22, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, your minority Committee on State Affairs, to whom was referred

Senate bill No. 3, A bill to be entitled "An Act providing for the election of United States Senators by a direct vote of the people in accordance with the recent amendment to the Federal Constitution; providing that when vacancies happen in the representation of this State in the Senate of the United States that the Governor may make temporary appointments and shall issue the necessary writs of election to fill such vacancy, and also providing for the holding of primaries by political parties for the nominations of candidates for the United States Senate, and declaring an emergency."

Have had the same under consideration and recommend that it do pass with the following amendments:

Amend the bill by striking out all of Section 2, and insert in lieu thereof the following:

"When a vacancy occurs in the representation of this State in the Senate of the United States, the Governor shall, within ten days from the date of such vacancy, issue the necessary writ of election to fill such vacancy, the election to be held within not less than 30 days and not more than 90 days from the date of the issuance of the writ. Provided, that when Congress is in session at the time such vacancy occurs, or provided Congress should be convened in the interval before the election of the United States Senator, as heretofore provided, that the Governor make a temporary appointment of a suitable and qualified person to represent the State in the Senate until the election and qualification of a Senator elected by the people."

Amend the bill by adding Section 6a.

"Section 6a. That in case a vacancy shall occur requiring the election of two United States Senators at the same election, then the proclamation ordering the election shall require that each can-

didate offering his name for election shall designate whether he is a candidate for the position of senior Senator or junior Senator."

BRELSFORD,  
GIBSON,  
WATSON.

Committee Room,  
Austin, Texas, July 22, 1913.

Hon. Will H. Hayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 3, A bill to be entitled, "An Act providing for the election of United States Senators by a direct vote of the people in accordance with the recent amendment to the Federal Constitution; providing that when vacancies happen in the representation of this State in the Senate of the United States that the Governor may make temporary appointments and shall issue the necessary writs of election to fill such vacancy, and also providing for the holding of primaries by political parties for the nominations of candidates for the United States Senate, and declaring an emergency,"

Have had same under consideration and recommend that it do pass with the following amendments, and be not printed.

Amend the bill by striking out all of Section 2, and inserting in lieu thereof the following:

"When a vacancy occurs in the representation of this State in the Senate of the United States, the Governor shall, within ten days from the date of such vacancy, issue the necessary writ of election to fill such vacancy, the election

to be held within not less than 30 days and not more than 90 days from the issuance of the writ; provided if Congress or the Senate is in session at the time such vacancy occurs or should convene within 30 days before the result of said election can be officially ascertained under the law, the Governor shall within 10 days from date of such vacancy issue the necessary writ of election to fill such vacancy, the election to be held not more than 30 days from the date of issuance of such writ of election."

Amend the caption by striking out the following:

"That the Governor may make temporary appointment."

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, July 23, 1913.

Hon. Will H. Hayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 4, A bill to be entitled "An Act for the retirement of \$500,000 in bonds of the State of Texas issued by virtue of Chapter 7 of the Acts of the Third Called Session of the Thirty-first Legislature and appropriating funds derived by way of penalties assessed against the Standard Oil Company of New Jersey and certain amounts out of the State Treasury for said purpose; and authorizing the Governor to retire said bonds, and specifying that the bonds held by the permanent Agricultural and Mechanical College fund shall be among those retired, and declaring an emergency,"

And find the same correctly engrossed  
BRELSFORD, Chairman.

# In Memory of Mrs. J. L. Nugent

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By Senator Hudspeth:

Whereas, By telegram the Senate has just learned of the death of the mother of our highly esteemed and much respected Senator, the Hon. C. W. Nugent of Montgomery county, also have learned that Senator Nugent is himself ill at his home in Conroe; therefore, be it

Resolved, That the Senate does hereby convey its most sincere condolence to Senator Nugent in the great bereavement which has just befallen him, and we hereby, one and all, wish for Senator Nugent a speedy recovery to health, and trust that he will be with his colleagues in this Senate in the very near future; and be it further

Resolved, That a copy of this resolution be conveyed by the Secretary of the Senate to Senator Nugent, and that a page in the Journal be dedicated to the memory of the mother of our much esteemed Senator.

The resolution was read and unanimously adopted.



# In Memory

of

## Hon. J. E. Kauffman

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Whereas, The Senate has just learned with profound sorrow of the death of the Senator from Galveston, Hon. J. E. Kauffman; and

Whereas, Senator Kauffman has been a prominent figure in Texas politics for many years and has held various positions of trust and honor, not only under the Democracy of Texas, but that of the Union; and

Whereas, We feel that Texas has lost one of its most valuable officials and the city of Galveston a splendid and upright citizen; therefore, be it

Resolved, That when the Senate do adjourn on Friday it does so out of respect to the memory of our much lamented and beloved colleague, and that one hour before adjournment on the said day be devoted to memorial addresses upon the death of Senator Kauffman by his colleagues, and that a page of the Journal be dedicated to his memory, and that a copy of this resolution be sent to the family of deceased, and that the President of the Senate appoint five members of the Senate to attend the funeral of our much lamented brother Senator.

Signed—Wiley, Darwin, Townsend, McGregor, Carter, Real, Lattimore, Cowell, Gibson, Warren, Hudspeth, Conner, Bailey, Watson, Willacy, Terrell, Astin, Brelsford, Morrow, Johnson, McNealus, Taylor.

The resolution was read and unanimously adopted by a rising vote.



## FOURTH DAY.

Senate Chamber,  
Austin, Texas,  
Thursday, July 24, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Lattimore.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	

Absent.

Collins. Willacy.  
Nugent.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Terrell.

(See Appendix for standing committee reports.)

## MESSAGE FROM THE GOVERNOR.

The Chair here had read to the Senate the following message from the Governor:

Governor's Office,  
Austin, Texas, July 23, 1913.

To the Texas Legislature:

In harmony with the requirements of Section 40, Article 3, of the State Constitution, I present to you the following additional subjects for legislation:

1. The passage of an act to regulate and supervise the sale and purchase in this State of all stocks, bonds, or other obligations of private, foreign or domestic corporations organized, or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stock, bonds, or other obligations of such corporation, or proposed corporation, and fixing commission and promotion fees allowed to be charged, and pro-

viding for service or process, examination fees, and exempting certain corporations from the effect of said act, providing penalty for the violation of provisions of same.

Texas is very much in need of a law to regulate and supervise the issuance of such stocks and bonds, as submitted in the foregoing subject for legislation. The Commissioner of Insurance and Banking estimates that in three years the citizens of Texas have been fleeced of eighteen or twenty million dollars by promoters of spurious and "Blue Sky" corporations; washerwomen and servants have been induced to invest their small savings in promotion schemes. Other States have driven the promoters of "Blue Sky" corporations out of business. Legitimate corporations and legitimate investors ought to be protected against such impositions. I urge upon the Legislature the speedy passage of a bill which will afford the people adequate protection.

2. The passage of an act making it the duty of the Attorney General to examine and certify to, before being filed, all charters of private corporations and amendments to such charters, and also all applications for permits of non-resident corporations to do business in Texas; prescribing certain fees to be collected by the Attorney General for such services, also prescribing the fees to be collected by the Attorney General for examining and certifying to all bonds which under the law of this State he is required to examine and certify to; also requiring private corporations having a capital stock, except railroads, insurance and banking corporations, to make annual and special reports to the Attorney General on forms to be prescribed by him, and requiring a fee of two dollars to be paid to the Attorney General by the corporation making such report; providing the method by which said fees are to be paid, and appropriating the same, so far as necessary, to pay such salaries and other expenses, of the Attorney General's Department as may be authorized by the Legislature.

The foregoing subject is submitted by me for legislative action at the request of the Attorney General. In his Department a great deal of valuable work is given free of cost to those served, no fees having heretofore been prescribed by the Legislature for such service when rendered by the Attorney General.

The Attorney General has prepared a bill covering the foregoing subject, and

he estimates that if it is enacted by the Legislature that his Department will collect forty or fifty thousand dollars per annum in reasonable fees for services now rendered for nothing. This would be ample to meet the full expenses of his Department. I sincerely hope the Legislature will enact such a measure.

3. The passage of an act amending Chapter 150, General Laws passed at the Regular Session of the Thirty-third Legislature, relating to the application for witnesses in felony cases, so as to repeal Section 4 of said Chapter, which provides for the payment of \$1.50 per day for each day witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court. Section 4, of Chapter 150, referred to above, reads as follows:

"Sec. 4. All witnesses residing in the county of the prosecution, when summoned under the provisions of this Act to appear and give evidence in any felony case, shall be entitled to one dollar and fifty cents per day for each day they may have been necessarily absent from their homes or business in attendance upon court, said fees to be paid by the State, and the Comptroller of Public Accounts is hereby authorized to draw a warrant against the State Treasury for same when the accounts are properly presented to him, approved by the presiding district judge, and when after inspection by him he finds said accounts to be correct; provided, however, if the defendant in any case who is charged with a felony should be finally convicted of a misdemeanor, then said witness fees shall not be a charge against the State in such a case, but the same shall be charged against the defendant, and the witnesses in all such cases shall be entitled to the same compensation as is now allowed and provided by law to witnesses residing in the county of the prosecution in misdemeanor cases."

It is estimated that this section of the law, if not repealed, will cost the State \$500,000 per annum in the payment of witness fees in the county of the residence of witnesses. Aside from this fact it proposes to pay witnesses of the county of their residence a higher sum per day than is paid under other provisions of the statute to witnesses in felony cases who are non-residents of the county where the case is on trial.

Respectfully submitted,  
O. B. COLQUITT,  
Governor.

## SIMPLE RESOLUTION.

By Senator McNealus:

Resolved, That Senator Warren be made a member of the Committee on Federal Relations, to fill the vacancy caused by the election to Congress of the Hon. Horace W. Vaughan.

The resolution was read and adopted.

## SENATOR CLARK ASSIGNED ON STANDING COMMITTEES.

The Chair, Lieutenant Governor Mayes, announced the assignment of Senator Clark to the following standing committees: Insurance, Statistics and History, Judiciary No. 2, Educational Affairs, Military Affairs, Congressional Districts and Public Health.

## BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Darwin:

Senate bill No. 5, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds, or other obligations or private foreign and domestic corporations organized or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stock, bonds or other obligations of such corporation, or proposed corporation and fixing commission and promotion fees allowed to be charged and providing for service of process, examination fees and exempting certain corporations from the effect of this act, providing penalty for the violation of the provision hereof, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senators Gibson and Cowell:

Senate Concurrent Resolution No. 1:

Resolved, That the Senate, the House concurring, request the Attorney General, Treasurer's and Comptroller's Department, to withhold the turning over to the revenue fund the penalty fund of \$500,000 collected from the Standard Oil Company by the Attorney General's Department, until the Legislature makes some disposition of same.

Read first time and referred to Committee on Finance.

PETITION FROM REGENTS OF  
TEXAS DIVISION OF U. D. C.

The Chair had the following read to the Senate:

To the Honorable Members of the  
Thirty-third Legislature:

The occasion has arisen when it is sought to remove the sacred Confederate relics which have been sent during the past ten years from every portion of Texas to Austin and placed in the care and custody of a Board of Regents of The Texas Division U. D. C., by them to be arranged and preserved in a room of the State Capitol set apart for the purpose by the Legislature in 1903, and which has been continuously so used ever since.

Dr. A. B. Conley, the Superintendent of Public Buildings of Texas, on April 8, 1913, sent a communication to each member of the Board of Regents asking them for the room used as a Confederate Museum, saying that the State needed it for other purposes. He offered the Board, in lieu of this room, three rooms on the third floor, or one very large one on the fourth floor, which in the aggregate represents by far more floor space than the room used as a Confederate Museum. Inasmuch as Dr. Conley had no authority to make such an offer, and he admitted it, the Regents declined to accede to this proposition, and thereby exchange a good title for the time being at least for a quit title to something the proposed grantor did not possess.

The Regents believed there was no sufficient grounds for this demand and after making an investigation found several instances where there are large rooms and suites of rooms in the Capitol building occupied by scarcely more than one person to a room; so were it not for the four rooms offered the Daughters the Superintendent could find sufficient room for his present need, by rearranging some of the Departments.

Upon the second demand for the room by the Superintendent, the Regents, acting under the advice from the State President of the Texas Division U. D. C., sought competent legal counsel and brought the matter into the courts, and here is the court's holdings:

"The court held that the Legislature could set apart the room by resolution, as well as by law. Also, that this is not a suit against the State, but against a public officer to prevent him from doing an alleged unlawful act in ejecting the

Daughters. Because the Daughters incorporated to build an old women's home they should not be deprived of the use of the room on the grounds of being a corporation, for that would be "highly technical," says Judge Rice.

Since the Legislature conferred the use of the room "until needed" its possession can not be disputed by the Superintendent, as the Legislature did not empower him to decide when the room "is needed." Article 16, Section 29, State Constitution, authorizes the Legislature to make appropriations for preserving and perpetuating memorials, etc., of Texas history, while Section 45 of that article makes it the duty of the Legislature to provide for collecting, keeping, arranging, etc., of historical documents and relics. The Daughters have been doing that, says the court.

Will not the Legislature set aside permanently and forever this one room in the State Capitol in sacred memory of the ninety thousand men that Texas furnished almost one sixth of the entire Confederate Army, there to preserve the hallowed relics of those men as object lessons which no page in history can adequately portray?

The Daughters of Texas have been true to their trust, in caring for and collecting relics, mementos and true history which guards "Southern Rights" from slander and teaches its cause was just.

We earnestly hope that the Legislature will rise up and say that these relics shall rest where they are and not be destroyed even to make room for a little more business.

Therefore, we, do earnestly petition the membership of the Thirty-third Legislature, if this proposition is laid before them, to see to it that the Daughters of the Confederacy are not deprived of the room which a previous Legislature has set apart for them for the purpose of preserving these sacred relics of the war between the States.

(Signed)

MRS. HAL W. GREER,  
President U. D. C. Tex. Div.  
MRS. L. J. STORY, Chairman,  
MRS. F. M. MADDOX,  
MRS. W. P. LANE,  
MRS. H. G. ASKEW,  
MRS. M. E. SPAIN,  
MRS. MARY M. BIRGE,  
MRS. ANNIE P. NORTON,  
DR. JULIA H. BASS,

Board of Regents Texas Con. Museum.

## SIMPLE RESOLUTION.

By Senator Westbrook:

Whereas, The Allison liquor bill enacted by the last Regular Session of the Texas Legislature only prohibits the intrastate shipment of intoxicants from wet to dry territories; and

Whereas, The Webb bill enacted by the last Regular Session of Congress permits the States to enact legislation that would prohibit the interstate shipment of intoxicants from wet to dry territories of States; therefore be it

Resolved, by the Senate, That it is the sense of this body that the Governor submit this subject of legislation for this extra session.

Pending discussion, Senator Westbrook moved the previous question on the resolution, which motion being duly seconded, was so ordered.

Action recurred on the resolution and the same was adopted by the following vote:

Yeas—16.

Brelsford.	Lattimore.
Carter.	Morrow.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Johnson.	Wiley.

Nays—7.

Astin.	McGregor.
Bailey.	Real.
Clark.	Watson.
Harley.	

Present—Not Voting.

McNealus.

Absent.

Willacy.

Absent—Excused.

Nugent.

Paired.

Senator Hudspeth (present), who would vote "nay," with Senator Collins (absent), who would vote "yea."

# REPORT OF FINANCE COMMITTEE ON S. C. R. NO. 1.

(Floor Report.)

Austin, Texas, July 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance to

whom was referred Senate Concurrent Resolution No. 1, reading as follows:

Resolved, That the Senate, the House concurring, request the Attorney General Treasurer and Comptroller's Dept., to withhold the turning over to the general revenue fund, the penalty fund of \$500,000 collected from the Standard Oil Company by the Attorney General's Department, until the Legislature makes some disposition of same,

Have had same under consideration and beg to report it back to the Senate with the recommendation that it be adopted and be not printed.

Cowell, Acting Chairman; Warren, Wiley, McGregor, Brelsford, Astin, Taylor, Lattimore, Harley, Real.

The Chair laid before the Senate Senate Concurrent Resolution No. 1. (See subject matter of resolution above).

On motion of Senator Gibson the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this resolution, by the following vote:

Yeas—24.

Astin.	Lattimore.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Harley.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.

Absent.

Greer.

Willacy.

Absent—Excused.

Collins.

Nugent.

The committee report, which provided that the resolution be not printed, was adopted.

The resolution was read and adopted by the following vote:

Yeas—23.

Astin.	Harley.
Bailey.	Hudspeth.
Brelsford.	Johnson.
Carter.	Lattimore.
Clark.	McGregor.
Conner.	McNealus.
Cowell.	Morrow.
Gibson.	Real.

Taylor.  
Terrell.  
Townsend.  
Warren.

Watson.  
Westbrook.  
Wiley.

Present—Not Voting.

Darwin.

Absent.

Greer.

Willacy.

Absent—Excused.

Collins.

Nugent.

#### REPORT OF COMMITTEE ON CONTINGENT EXPENSES.

Committee Room,  
Austin, Texas, July 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Contingent Expenses, to whom was referred simple resolution with reference to the per diem of the officers and employes of the Senate, beg to report that we have had same under consideration and recommend that it be adopted with the following amendment: "That the Secretary and Journal Clerk each receive five dollars per day for their services instead of seven dollars and fifty cents."

WARREN, Chairman.

The above report was read and adopted.

#### REPORT OF CONTINGENT EXPENSE COMMITTEE.

Committee Room,  
Austin, Texas, July 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: The undersigned having been instructed by resolution of the Senate to investigate the cost of the printing of the Penitentiary Investigating Committee report, together with the testimony taken before said committee, begs to report that he has complied with said instructions, and with the assistance of the State Expert Printer, has gotten estimates of the printing thereof in 10 point type with paper cover, books to be wire stitched, as follows:

1000 copies.....	\$ 450.00
3000       ".....	765.00
5000       ".....	1075.00
10000      ".....	1850.00

WARREN, Chairman.

#### SENATE CONCURRENT RESOLUTION NO. 2.

By Senator Warren:

Resolved by the Senate of Texas, the House of Representatives concurring, That five thousand copies of the report of the Penitentiary Investigating Committee, as presented to the Legislature on July 23, 1913, be printed in pamphlet form, with paper cover, same to include all the testimony in the form of questions and answers and the full report of the committee together with the minority report, same to be paid for, in equal amounts, out of the contingent expense funds of the Senate and House.

The resolution was read and adopted.

(President Pro Tem. Carter in the chair.)

#### REPORTS OF COMMITTEE ON FEDERAL RELATIONS.

Austin, Texas, July 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, a minority of your Committee on Federal Relations, to whom was referred simple resolution relative to requesting the Texas Delegation to use their influence in protecting the rights of American citizens in Mexico, have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

JOHNSON,  
WARREN.

Austin, Texas, July 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Federal Relations, to whom was referred simple resolution relative to requesting the Texas Delegation to use their influence in protecting the rights of American citizens in Mexico, have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

The above committee reports (favorable majority and adverse minority) were read, and

Senator Hudspeth called for consideration of the resolution, and the Chair laid same before the Senate.

Senator Hudspeth moved to adopt the majority (favorable) report.

Senator Johnson moved, as a substi-



tute, to adopt the minority (adverse) report in lieu of the majority report.

Action recurred on the substitute motion first, and, pending discussion, Senator Bailey moved the previous question, which motion being duly seconded, was so ordered.

Action then recurred on the minority report and the same was lost by the following vote:

**Yeas—10.**

Astin.	McNealus.
Darwin.	Terrell.
Greer.	Warren.
Harley.	Westbrook.
Johnson.	Wiley.

**Nays—12.**

Bailey.	Gibson.
Brelsford.	Hudspeth.
Carter.	Lattimore.
Clark.	Real.
Conner.	Taylor.
Cowell.	Watson.

**Absent—Excused.**

Collins.	Nugent.
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**Paired.**

Senator Townsend (present), who would vote "yea," with Senator Willacy (absent), who would vote "nay."

Senator Morrow (present), who would vote "yea," with Senator McGregor (absent), who would vote "nay."

The majority committee report was then adopted.

The amendment by Senator Lattimore, offered on yesterday, providing that the resolution be "mailed" instead of "wired," was adopted.

Senator Taylor offered the following amendment, which was read and adopted:

Amend the resolution, line thirteen, by striking out the word "will" and substituting therefor the word "would."

The resolution was then adopted by the following vote:

**Yeas—12.**

Bailey.	Gibson.
Brelsford.	Hudspeth.
Carter.	Lattimore.
Clark.	Real.
Conner.	Taylor.
Cowell.	Watson.

**Nays—10.**

Astin.	Greer.
Darwin.	Harley.

Johnson.	Warren.
McNealus.	Westbrook.
Terrell.	Wiley.

**Absent—Excused.**

Collins.	Nugent.
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**Paired.**

Senator Morrow (present), who would vote "nay" with Senator McGregor (absent), who would vote "yea."

Senator Townsend (present), who would vote "nay" with Senator Willacy (absent), who would vote "yea."

**RECESS.**

On motion of Senator Gibson, the Senate, at 12:30 o'clock p. m., recessed until 3 o'clock today.

**AFTER RECESS.**

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

**ADJOURNMENT.**

Senator McNealus moved that the Senate adjourn until 10 o'clock Monday morning.

Senator Johnson moved, as a substitute, that the Senate adjourn until 10 o'clock Saturday morning.

Action recurred on the longest time first, and the motion was lost.

The motion to adjourn until 10 o'clock Saturday morning was adopted by the following vote:

**Yeas—16.**

Astin.	Johnson.
Bailey.	Lattimore.
Carter.	McGregor.
Cowell.	Real.
Darwin.	Taylor.
Gibson.	Townsend.
Greer.	Warren.
Hudspeth.	Wiley.

**Nays—4.**

Brelsford.	Clark.
Conner.	Westbrook.

**Present—Not Voting.**

McNealus.
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Absent.

Harley.  
Morrow.  
Terrell.

Watson.  
Willacy.

Absent—Excused.

Collins.

Nugent.

# APPENDIX.

## BILLS SIGNED.

The Chair, Lieutenant Governor Mayes, gave notice of signing, and did sign, in the present of the Senate, after their captions had been read, the following bills:

Senate bill No. 1, "An Act making appropriation to pay the per diem pay and mileage of members, and per diem pay of officers and employes of the First Called Session of the Thirty-third Legislature of the State of Texas, convened July 21, 1913, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Senate bill No. 2, "An Act making appropriation of the sum of fifteen thousand dollars, or so much thereof as may be necessary to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, convened July 21, 1913, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

## COMMITTEE REPORTS.

Committee Room,

Austin, Texas, July 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 1, "An Act making appropriation to pay the per diem pay and mileage of members, and per diem pay of officers and employes of the First Called Session of the Thirty-third Legislature of the State of Texas, convened July 21, 1913, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,

Austin, Texas, July 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 2, "An Act making appropriation of the sum of fifteen thousand dollars, or so much thereof as may be necessary to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, convened July 21, 1913, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

## FIFTH DAY.

Senate Chamber,

Austin, Texas,

Saturday, July 26, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, no quorum was present, the following Senators answering to their names:

Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Johnson.

Lattimore.  
McGregor.  
Morrow.  
Terrell.  
Townsend.  
Wiley.

Absent.

Astin.  
Bailey.  
Brelsford.  
Clark.  
Greer.  
Harley.  
Hudspeth.

McNealus.  
Real.  
Taylor.  
Warren.  
Watson.  
Westbrook.  
Willacy.

Absent—Excused.

Nugent.

Prayer by the Chaplain.

## ADJOURNMENT.

There being no quorum present, Senator Johnson moved that the Senate ad-

journal until 5 o'clock tomorrow afternoon.

The motion prevailed.

### SIXTH DAY.

Senate Chamber,  
Austin, Texas,  
Sunday, July 27, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, no quorum was present, the following Senators answering to their names:

Carter.	Greer.
Collins.	Johnson.
Cowell.	Terrell.
Gibson.	Townsend.

Absent.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Real.
Clark.	Taylor.
Conner.	Warren.
Darwin.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent—Excused.

Nugent.

Prayer by the Chaplain.

### ADJOURNMENT.

There being no quorum present, on motion of Senator Carter, the Senate adjourned until 10 o'clock tomorrow morning.

### SEVENTH DAY.

Senate Chamber,  
Austin, Texas,  
Monday, July 28, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Collins.
Bailey.	Conner.
Brelsford.	Cowell.
Carter.	Darwin.

3—S

Gibson.  
Greer.  
Harley.  
Hudspeth.  
Johnson.  
McGregor.  
McNealus.  
Morrow.

Nugent.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Warren.  
Westbrook.  
Wiley.

Absent.

Clark.  
Lattimore.

Watson.  
Willacy.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Cowell.

(See Appendix for standing committee reports.)

### EXCUSED.

On account of important business:

Senator Willacy, for last Thursday, Saturday, yesterday and today, on motion of Senator Warren.

Senator Watson, for today, on motion of Senator Hudspeth.

Senator Lattimore, indefinitely, on motion of Senator Cowell.

Senator McNealus, for Saturday and yesterday, on motion of Senator Warren.

On account of attending funeral of Senator Kauffman:

Senators Brelsford and Harley for Saturday, on motion of Senator Warren.

Morning call concluded.

### MEMORIAL SERVICES.

The Chair here announced that the hour previously designated by the Senate for memorial services in memory of the late Senators Greer and Kauffman, had arrived and declared that the Senate would proceed with the services. The Senate devoted one hour as memorial services, during which time Senators Warren, Hudspeth, Gibson, Astin, Westbrook and Brelsford spoke of the lives of the deceased members, at the conclusion of which Rev. H. M. Sears, Chaplain of the Senate, closed the services with a short talk and prayer.

### TESTIMONY OF PENITENTIARY COMMITTEE.

Senator Warren here offered the following:



Austin, Texas July 25, 1913.  
To the Senate of Texas.

Gentlemen: Complying with our letter of July 23d, transmitting you the report of the Penitentiary Investigating Committee, we herewith hand you record of the evidence and statements before the committee.

Respectfully submitted,  
WILL H. MAYES,  
Chairman of the Committee.  
JOHN G. WILLACY,  
ROBT. L. WARREN,  
On the Part of the Senate.  
R. B. HUMPHREY,  
L. TILLOTTSON,  
W. O. DIFFIE,  
On the Part of the House.

The above was received and filed with the Secretary of the Senate.

#### EXECUTIVE MESSAGES.

Governor's Office,  
Austin, Texas, July 26, 1913.

To the Senate:

I ask the advice and consent of the Senate to the following appointment:

To be Commissioner of Insurance and Banking, W. W. Collier of Bexar county, to succeed B. L. Gill, resigned.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

Governor's Office,  
Austin, Texas, July 24, 1913.

To the Texas Legislature:

My attention is called to the fact that the subject for legislation concerning the penal institutions of the State, as embodied in the call for the special session, is confined to the penitentiary system, described in Chapter 10, Acts of the Fourth Called Session of the Thirty-first Legislature.

There is urgent need for the revision of the law relating to the penal institution located at Gatesville, known as the State Institution for the Training of Juveniles.

As provided, therefore, in Section 40 of Article 3 of the Constitution, I present for your consideration the passage of an act to amend Title 76 of the Revised Civil Statutes of 1911, relating to the management and control of the State Institution for the Training of Juveniles.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### SENATE BILL NO. 3.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 3, A bill to be entitled "An Act providing for the election of United States Senators by a direct vote of the people in accordance with the recent amendment to the Federal Constitution; providing that when vacancies happen in the representation of this State in the Senate of the United States that the Governor may make temporary appointments and shall issue the necessary writs of election to fill such vacancy, and also providing for the holding of primaries by political parties for the nominations of candidates for the United States Senate, and declaring an emergency."

(President Pro Tem. Carter in the chair.)

There being a favorable majority committee report with amendments and a favorable minority committee report, with amendments, Senator Townsend moved that the majority committee report be adopted.

Senator Brelsford moved, as a substitute that the minority committee report be adopted.

Action recurred on the substitute motion first (adoption of the minority committee report) and the same was adopted.

(Lieutenant Governor Mayes in the chair.)

#### HOUSE MESSAGE.

Hall of the House of Representatives.  
Austin, Texas, July 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

Senate Concurrent Resolution No. 1, Relating to the disposition of the \$500,000 Standard Oil fine fund, with amendments.

Respectfully,  
W. R. LONG,  
Chief Clerk, House of Representatives.

#### EXECUTIVE SESSION—TIME SET FOR.

Senator Hudspeth moved that the Senate hold executive session at 3:30 o'clock p. m. today for the purpose of considering the appointment of Commissioner of

Insurance and Banking, as submitted by the Governor today.

The motion prevailed.

### RECESS.

On motion of Senator Wiley, the Senate, at 12:30 o'clock p. m., recessed until 3:30 o'clock today.

### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

### EXECUTIVE SESSION.

The Chair here announced that the hour of 3:30 o'clock p. m., the time for the Senate to hold executive session, had arrived. The Senate immediately convened in executive session.

In executive session the following confirmation was made, as reported by the Secretary of the Senate:

To be Commissioner of Insurance and Banking, W. W. Collier.

### IN THE SENATE.

#### EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, July 26, 1913.

To the Senate:

I ask the advice and consent of the Senate to the following appointments:

To be members of the Board of Prison Commissioners, L. W. Tittle of Cherokee county and R. W. Braham of Walker county.

I take the following extract from Section 4, of Chapter 10, General Laws of the Fourth Called Session of the Thirty-first Legislature, relating to the Board of Prison Commissioners, their appointment and term of office:

"Said Board of Prison Commissioners shall be composed of three men, to be appointed by the Governor, with the advice and consent of the Senate, whose term of office shall be two years from date of appointment, except those first appointed under this act, who shall hold their office respectively for eight, sixteen and twenty-four months from the date of their appointment and qualification.

In the appointment of said commissioners first to be appointed under this chapter, the Governor shall designate the term each one shall hold under such appointment; provided, however, that in the event of a change in the Constitution, extending the term of office of the Prison Commissioners, then the members of said Board of Prison Commissioners then in office shall adjust their term of office by lot or in conformance with the provisions of such constitutional amendment without the necessity of further legislative enactment."

At the general election November 5, 1912, the people of Texas adopted the following provision relating to the Board of Prison Commissioners, and the same became a part of the Constitution upon proclamation of the Governor last December:

"Section 58. The Board of Prison Commissioners charged by law with the control and management of the State prisons shall be composed of three members, appointed by the Governor, by and with the consent of the Senate, and whose term of office shall be six years, or until their successors are appointed and qualified; provided, that the terms of office of the Board of Prison Commissioners first appointed after the adoption of this amendment shall begin on January 20 of the year following the adoption of this amendment, and shall hold office as follows: One shall serve two years, one four years and one six years. Their terms to be decided by lot after they shall have qualified, and one Prison Commissioner shall be appointed every two years thereafter. In case of a vacancy in said office the Governor of this State shall fill said vacancy by appointment for the unexpired term thereof."

The Commissioners appointed under the act creating the Board of Prison Commissioners have been permitted to continue in office under their original appointments pending the determination of the Legislature of any changes in the laws relating to the government of the prison system.

Under another provision of the Constitution the Governor is required to send all recess appointments to the Senate within ten days after the meeting of any session of the Legislature. The terms of the present Commissioners under their original appointment expired January 20, but under the provisions of the Constitution they are entitled to continue in office until their successors are ap-

pointed. Their nominations are submitted at this time with these observations and this explanation.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

SENATE CONCURRENT RESOLUTION NO. 1.—FREE CONFERENCE COMMITTEE ON.

Senator Terrell called up Senate Concurrent Resolution No. 1, with the following House amendments:

Amend Senate Concurrent Resolution No. 1 by inserting the following: "Provided, that \$205,000 or so much thereof as may be necessary, be reserved by the Treasurer for the purpose of paying off the Agricultural and Mechanical College bonds and the balance of the \$486,500 be set aside for the purpose of paying Confederate pension warrants."

The above amendment was read and Senator Terrell made the following motion:

Resolved, That the Senate do not concur in the amendment offered by the House to Senate Concurrent Resolution No. 1, and request a Free Conference Committee, and that the following committee from the Senate be named: Senators Gibson, Astin, Hudspeth, Cowell and Bailey.

Senator Brelsford made the following motion in writing:

I move that the Senate concur in House amendments.

Senator Wiley moved that further consideration of the above motions be postponed until tomorrow morning following the morning call, which motion prevailed.

SENATE BILL NO. 3.

(Pending Business.)

Action recurred on Senate bill No. 3, the pending business, the question being on the motion to adopt the minority committee report, which motion was adopted by the following vote:

Yeas—14.

Astin.	Harley.
Bailey.	Hudspeth.
Brelsford.	Morrow.
Clark.	Nugent.
Conner.	Terrell.
Cowell.	Warren.
Gibson.	Willacy.

Nays—12.

Carter.	McNealus.
Collins.	Real.
Darwin.	Taylor.
Greer.	Townsend.
Johnson.	Westbrook.
McGregor.	Wiley.

Absent—Excused.

Lattimore.	Watson.
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Senator Morrow offered the following amendment:

Amend by inserting after Section 7, the following:

"Section 7a. No person shall be declared the nominee of any political party for United States Senator unless such person shall receive a majority of the votes cast for Senator at the primary election, and if at such election no candidate receive such majority, then another election shall be held on the fourteenth day succeeding said first election, at which second election the two candidates receiving the greatest number of votes shall be the only candidates, and the candidate receiving the majority of the votes cast at said second election shall be the nominee of the said party for United States Senator; this provision shall apply to all primary elections for United States Senator.

Signed—Morrow, Warren, McGregor, Carter, Westbrook.

The above amendment was read and, pending discussion, Senator Wiley moved to table same, which motion was lost by the following vote:

Yeas—6.

Astin.	Real.
Conner.	Terrell.
Hudspeth.	Wiley.

Nays—19.

Bailey.	Johnson.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Westbrook.
Greer.	Willacy.
Harley.	

Absent.

McGregor.	Absent—Excused.
Lattimore.	Watson.

Senator Nugent offered the following amendment to the amendment, which was read and adopted:

Amend the pending amendment by striking out the word "fourteenth" and insert in lieu thereof the words "twenty-first."

The amendment as amended was adopted.

Senator Westbrook offered the following amendment:

Amend the bill by adding after Section 5a Section 5b as follows: "No person shall be entitled to a position on the official ballot at any general or special election held to select a United States Senator who shall have spent in the election preceding the nomination more than \$5000 or who shall have failed or refused to comply with each and every provision of any law regulating the collection and disbursement of funds preceding or after election. Should the nomination of any candidate for United States Senator be contested, the same shall be conducted under the provision of the law regulating contests before party election committees or the courts for States offices."

Senator Bailey moved to table the amendment, which motion to table was lost by the following vote:

**Yeas—10.**

Astin.	Hudspeth.
Bailey.	Nugent.
Clark.	Real.
Greer.	Terrell.
Harley.	Wiley.

**Nays—16.**

Brelsford.	Morrow.
Carter.	McGregor.
Collins.	McNealus.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Westbrook.
Johnson.	Willacy.

**Absent—Excused.**

Lattimore.	Watson.
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Senator Bailey offered the following amendment to the amendment:

Amend the amendment by striking out the words "five thousand dollars" and inserting in lieu thereof the words "five dollars."

The amendment to the amendment was read and lost.

The amendment was then adopted by the following vote:

**Yeas—13.**

Brelsford.	McNealus.
Carter.	Taylor.
Collins.	Townsend.
Conner.	Warren.
Cowell.	Westbrook.
Johnson.	Willacy.
McGregor.	

**Nays—13.**

Astin.	Hudspeth.
Bailey.	Morrow.
Clark.	Nugent.
Darwin.	Real.
Gibson.	Terrell.
Greer.	Wiley.
Harley.	

**Absent—Excused.**

Lattimore.	Watson.
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The vote being a tie, Lieutenant Governor Mayes, presiding, voted "yea."

Senator McNealus offered the following amendment, which was read and adopted:

Amend the printed bill in Section 8, page 4, line 7, after the words "nomination" insert the following: "And the Chairman and Secretary of the State Committee shall forthwith cause to be mailed to the Chairman and Secretary of every county committee of the party in the State the name of such candidate for United States Senator, with instructions that it be placed on the official ballot of such county."

Senator Westbrook offered the following amendments, separately, which were read and adopted:

Amend the bill on page 3, line 13, by inserting after the word "officers" and before the word "shall" the following: "Not in conflict with the provisions of this act."

Amend the bill on page 3, line 8, by inserting the word "and" after the word "made" and before the word "the."

Senator Wiley offered the following amendment, which was read and adopted:

Amend the bill, page 3, line 1, by inserting the following after the word "nomination," "all petitions or requests filed by twenty-five voters as provided herein, shall be indorsed by the person in whose favor the request is made, showing his willingness to qualify for the position if elected."

The bill was read second time and passed to engrossment.

On motion of Senator Taylor, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

## Absent.

Gibson.

## Absent—Excused.

Lattimore.

Watson.

Senator Wiley moved that the bill with the amendments be printed in the Journal and further action be postponed until tomorrow.

Senator Taylor moved to table the motion to postpone, which motion was lost by the following vote:

## Yeas—5.

Collins.	Taylor.
Johnson.	Westbrook.
Real.	

## Nays—20.

Astin.	Harley.
Bailey.	Hudspeth.
Brelsford.	McGregor.
Carter.	McNealus.
Clark.	Morrow.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Wiley.
Greer.	Willacy.

## Absent.

Nugent.

## Absent—Excused.

Lattimore.

Watson.

The motion to postpone further action on the bill was then adopted.

Following is the bill in full, as passed to engrossment, including all the amendments:

Senate bill No. 3, A bill to be entitled "An Act providing for the election of United States Senators by a direct vote of the people in accordance with the recent amendment to the Federal Constitution; providing that when vacancies happen in the representation of this State in the Senate of the United States that the Governor may make temporary appoint-

ments and shall issue the necessary writs of election to fill such vacancy, and also providing for the holding of primaries by political parties for the nominations of candidates for the United States Senate, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Senators shall be elected to represent the State of Texas in the Senate of the United States at a general election, by the qualified electors who possess the requisite qualifications for electors of the most numerous branch of the State Legislature, and, the candidate receiving the highest number of such votes cast at any election held under this act for Senator, shall be and is hereby declared elected, and a certificate of election shall be issued to him by the Governor.

Sec. 2. When a vacancy occurs in the representation of this State in the Senate of the United States, the Governor shall, within ten days from the date of such vacancy, issue the necessary writ of election to fill such vacancy, the election to be held within not less than thirty days and not more than ninety days from the date of the issuance of the writ. Provided, that when Congress is in session at the time such vacancy occurs, or provided Congress should be convened in the interval before the election of the United States Senator, as heretofore provided, that the Governor may make a temporary appointment of a suitable and qualified person to represent the State in the Senate until the election and qualification of a Senator elected by the people.

Sec. 3. Election for United States Senators shall, except as otherwise provided, be held under the general election laws for State officers; the returns thereof shall be made, result ascertained and declared, and certificate of election issued as is provided for the election of Representatives in Congress by Chapter Seven (7), Title Forty-nine (49), Revised Civil Statutes of 1911.

Sec. 4. Candidates for the United States Senate shall be nominated by each organized political party that cast one hundred thousand (100,000) votes or more at the last general election by the qualified voters of such party in the general primary elections at which candidates for State and county officers shall be chosen.

Sec. 5. Any person affiliated with any party who desires his name to appear on the official ballot for a general primary



as a candidate for the nomination of such party for the office of United States Senator, shall file with the State chairman not later than the first Monday in June preceding such primary, his written request that his name be placed upon such official ballot as a candidate for the nomination as United States Senator, giving his age and occupation, the county of his residence and postoffice address, which shall be signed by him and acknowledged by him before some officer. And also twenty-five (25) qualified voters may likewise join in a request that the name of any person affiliating with such party be placed upon the official ballot as a candidate for United States Senator, giving the occupation, county of residence and postoffice address of such person, signing and acknowledging same as above provided, and may file the same with the State chairman on or prior to the date above mentioned with the same effect as if such request had been filed by the party named therein as a candidate for such nomination. All petitions or requests filed by twenty-five voters as provided herein, shall be indorsed by the person in whose favor the request is made, showing his willingness to qualify for the position if elected. All requests shall be considered filed with the State chairman when they are sent from any point within the United States by registered mail, addressed to the State chairman at his postoffice address.

Sec. 6. Nominations for United States Senators, except as otherwise provided, shall be held under the general primary laws for State officers; the returns thereof shall be made, and the result ascertained and declared as is provided for the nomination of Governor and other State officers by Chapter 10, Title 49, Revised Statutes of 1911, and all the provisions of said title and chapter which apply to the nomination of Governor and other State officers, not in conflict with the provisions of this act, shall apply to the nomination of United States Senators unless otherwise provided.

Sec. 6a. That in case a vacancy shall occur requiring the election of two United States Senators at the same election, then the proclamation ordering the election shall require that each candidate offering his name for election shall designate whether he is a candidate for the position of senior Senator or junior Senator.

Sec. 7. Nominations of candidates for the United States Senate to be voted for at any special election shall be made at a primary election at such time as the

party State Executive Committee shall determine, provided said primary shall be held not less than thirty (30) days nor more than ninety (90) days from the date of the election as named in the writ issued by the Governor. No such committee shall ever have the power to make such nominations.

Sec. 7a. No person shall be declared the nominee of any political party for United States Senator unless such person shall receive a majority of the votes cast for Senator at the primary election, and if at such election no candidate receive such majority, then another election shall be held on the twenty-first day succeeding said first election, at which second election the two candidates receiving the greatest number of votes shall be the only candidates, and the candidate receiving the majority of the votes cast at said second election shall be the nominee of the said party for United States Senator. This provision shall apply to all primary elections for United States Senator.

Sec. 7b. No person shall be entitled to a position on the official ballot at any general or special election held to select a United States Senator who shall have spent in the election preceding the nomination more than \$5000, or who shall have failed or refused to comply with each and every provision of any law regulating the collection and disbursement of funds preceding or after election. Should the nomination of any candidate for United States Senator be contested, the same shall be conducted under the provision of the law regulating contests before party election committees or the courts for State offices.

Sec. 8. Any candidate who desires his name to appear on the official ballot for a special primary as a candidate for the nomination of such party for the office of United States Senator shall file with State chairman of his party, not later than thirty (30) days prior to the date of such primary, his written request that his name be placed upon such official ballot as a candidate for the nomination of United States Senator, giving his age and occupation, the county of his residence and postoffice address, which shall be signed by him and acknowledged by him before some officer. And also twenty-five (25) qualified voters may likewise join in a request that the name of any person affiliating with such party be placed upon the official ballot as a candidate for United States Senator, giving

the occupation, county of residence and postoffice address of such person, signing and acknowledging same as above provided, and may file the same with the State chairman within the time above mentioned with the same effect as if such request has been filed by the party named therein as a candidate for such nomination. And the chairman and secretary of the State committee shall forthwith cause to be mailed to the chairman and secretary of every county committee of the party in the State the name of such candidate for United States Senator, with instructions that it be placed on the official ballot of such county. All requests shall be considered filed with the State chairman when they are sent from any point within the United States by registered mail, addressed to the State chairman at his postoffice address. On the first Saturday following such special primary election, the county executive committee of each county in this State, shall meet and canvass the returns of such election, and shall immediately thereafter certify by its chairman and secretary the result of said election and forward same to the State chairman. The State executive committee shall meet at a time not later than fifteen (15) days after the date of said special primary and canvass and tabulate the returns of said election as certified by the county chairman, and the candidate receiving the highest number of votes cast at such primary shall be the nominee of the party for such office; and the State chairman shall order the name of such candidate placed upon the official ballot of said party.

Sec. 9. The fact that there is now no law upon the statutes of this State providing for the appointment, nomination and election of United States Senators, and the fact that a vacancy might occur at any time in the representation of the State of Texas in the Senate of the United States creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

#### ADJOURNMENT.

On motion of Senator Hudspeth, the Senate, at 5:30 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

#### EIGHTH DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, July 29, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Johnson.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Watson.

Absent—Excused.

Lattimore.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Johnson.

(See Appendix for petitions and memorials and standing committee reports.)

Morning call concluded.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Hudspeth:

Be it resolved by the Senate, That the Secretary and Journal Clerk be allowed, jointly, postage to the amount of \$3.00 for the session.

The resolution was read and adopted.

#### SENATE CONCURRENT RESOLUTION NO. 1.

The Chair laid before the Senate, as the pending business, Senate Concurrent Resolution No. 1, with House amendments, the question being on the motion by Senator Terrell to non-concur in the House amendments and request a Free Conference Committee, and a substitute

motion by Senator Brelsford to concur in the House amendments. (See yesterday's Journal for the proceedings.)

Action recurred on the substitute motion by Senator Brelsford that the Senate concur in the House amendment.

Senator Gibson made the point of order that the House amendment was not germane to the resolution.

Senator Warren also made the point of order that the amendment was not germane to the resolution in that the original resolution provided for the withholding of the funds received from the Standard Oil Company fine from the general revenue, while the amendment provided for the disposition of the funds and in view of that fact it had not been properly passed by the House, in that no roll call was taken on its passage, as is required in the passage of a law carrying an appropriation, holding that the same should take the course of a bill.

The Chair, Lieutenant Governor Mayes, sustained the point of order, holding that the Senate had passed a bill making disposition of the funds in question and that the amendment to the resolution sought to make disposition of the funds and was not germane to the resolution dealing with the withholding of the funds from the general revenue.

Senator Morrow here made the further point of order that in view of the fact that the House amendment had been held not germane to the resolution and the Senate had nothing before it to refer to a Free Conference Committee and the resolution should be returned to the House for further action, in that the holding of the amendment not germane rendered the House action on the resolution incomplete.

The Chair sustained the point of order.

### SENATE BILL NO. 3.

The Chair laid before the Senate, on third reading,

Senate bill No. 3, A bill to be entitled "An Act providing for the election of United States Senators by a direct vote of the people in accordance with the recent amendment to the Federal Constitution; providing that when vacancies happen in the representation of this State in the Senate of the United States that the Governor may make temporary appointments and shall issue the necessary writs of election to fill such vacancy, and also providing for the holding of primaries by political parties for the nominations of candidates for the

United States Senate, and declaring an emergency."

Senator Wiley offered the following amendment:

Amend the bill, Section 7b, as follows: Change the amount of money permitted to be expended by a candidate from "\$5000" to "\$10,000."

WILEY,  
McNEALUS.

The amendment was read and lost by the following vote:

Yeas—13.

Astin.	Harley.
Bailey.	McNealus.
Clark.	Morrow.
Conner.	Nugent.
Cowell.	Real.
Darwin.	Wiley.
Gibson.	

Nays—10.

Brelsford.	Taylor.
Collins.	Terrell.
Greer.	Townsend.
Johnson.	Warren.
McGregor.	Westbrook.

Present—Not Voting.

Carter.

Absent.

Hudspeth.	Willacy.
Watson.	

Absent—Excused.

Lattimore.

Senator Nugent offered the following amendment:

Amend the bill, page 3, line 25, by striking out the word "thirty" and figures "30" in parenthesis and inserting in lieu thereof "fifteen (15)."

The amendment was read and adopted by the following vote:

Yeas—24.

Astin.	Johnson.
Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Westbrook.
Greer.	Wiley.
Harley.	Willacy.

Absent.

Hudspeth.	Watson.
McGregor.	



## Absent—Excused.

Lattimore.

Senator Morrow offered the following amendment:

Amend the bill, page 4, line 7, by inserting after the word "nomination" the following: "provided said petition shall be indorsed by the candidate as provided in Section 5 hereof."

The amendment was read and adopted by the following vote:

## Yeas—24.

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Westbrook.
Harley.	Wiley.
Johnson.	Willacy.

## Absent.

Gibson.	Watson.
Hudspeth.	

## Absent—Excused.

Lattimore.

Senator Wiley offered the following amendment:

Amend Section 2 by inserting the following after the word "people" in last line: "Provided that in the event the Legislature should be in session at the time such vacancy occurred or at the time such vacancy should be filled, then the Legislature shall elect a United States Senator to represent the State in the Senate until the election and qualification of a Senator elected by the people."

WILEY,  
McNEALUS.

The amendment was read and Senator Brelsford made the point of order that the amendment to the Constitution of the United States, as ratified by this Legislature at the Regular Session, provided that the Governor appoint to fill a vacancy in the United States Senate pending the election by the people and had taken away the right of the Legislature to elect to fill a vacancy.

The Chair sustained the point of order.

The bill was read third time and passed by the following vote:

## Yeas—26.

Astin.	Johnson.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Watson.

## Absent—Excused.

Lattimore

Senator Taylor moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senators Brelsford and Bailey:

Resolved, That the Senate accepts with pleasure the courteous invitation from the Senator from Travis to be his guests at his country home next Tuesday afternoon, and anticipating that his role of host will be performed with the same grace, fidelity and success that has marked his career as a citizen in private life, and, as a statesman, humanitarian and publicist, the Senate assures the Senator of its appreciation of the opportunity to meet him as his guests on the day mentioned.

The resolution was read and adopted.

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, July 29, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

Senate Concurrent Resolution No. 2, Relating to printing report of the Penitentiary Investigating Committee, with amendments.

House Concurrent Resolution No. 5,

Relating to pay of Penitentiary Investigating Committee.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE CONCURRENT RESOLUTION REFERRED.

The Chair had referred, after its caption had been read, the following House concurrent resolution:

House Concurrent Resolution No. 2, referred to Committee on Contingent Expenses.

#### SENATE CONCURRENT RESOLUTION NO. 2—HOUSE AMENDMENTS CONCURRED IN.

Senator Warren called up Senate Concurrent Resolution No. 2, with the following House amendments:

Amend so as to provide for the printing of 4350 copies, 25 copies to be furnished to each member of the House, 25 copies to each Senator and the Lieutenant Governor, the expense to be borne by each house according to the number of copies received, the work to be done as soon as possible.

The above amendment was read, and on motion of Senator Warren the same was concurred in by the Senate.

#### BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Warren:

Senate bill No. 6, A bill to be entitled "An Act to amend Chapters 1 and 2, Title 104, Revised Civil Statutes of 1911, the same being an act passed by the Fourth Called Session of the Thirty-first Legislature, and entitled 'An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in certain cases; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the

purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act,' and declaring an emergency."

Read first time and referred to Committee on Penitentiary Affairs.

#### REPORT OF INDETERMINATE SENTENCE COMMITTEE.

The President laid before the Senate and had read, the following report of the Indeterminate Sentence Committee:

Austin, Texas, July 21, 1913.

To the Senate and House of Representatives, Austin, Texas:

We, your committee appointed by Senate Concurrent Resolution No. 10 to visit the penitentiary and its branches, and to give each and every convict so deserving an opportunity to make application for hearing, and to be heard in behalf of his application for release, and to investigate the merits of each case and report its findings to the Governor, beg leave to report as follows:

Your committee began its labors in the city of Austin on May 5, and has prosecuted its work continuously since that date.

The committee has examined the records of approximately four thousand convicts in the penitentiary, and has personally heard the application of approximately one thousand convicts, and of the number so investigated we have recommended to the Governor for executive clemency about four hundred and fifty.

In the prosecution of this work, we have incurred an expense of approximately three thousand dollars. In response to a request from the Comptroller as to the validity of the resolution creating this committee and appropriating money to pay its expenses, the Attorney General of Texas has held that the resolution was ineffectual to appropriate any of the public fund, and hence the Comptroller has declined to issue warrants to the members of the committee, and the work has been prosecuted and expenses defrayed by the individual members of the committee, with the expectation that your body would

take such action as is necessary to reimburse them.

In the discharge of the duties imposed upon us, we have listened to many pitiful and heartrending tales of human misery and suffering, and heard horrible and revolting recitals of degradation and shame, and have been impressed with the woeful and the material wants of the prisoners. Half-starved mothers, wives of convicts, surrounded by troops of poorly fed and illy clad children have appeared before the committee, and begged for the pardon of husband and father in order that they might escape starvation. Strong men, prisoners in the penitentiary, have come before us and wept like little children while pleading to be given a chance to make a living for their wives and children. In many instances these unfortunate women and children follow the prisoners to the places of confinement, there to become charges upon the public bounty and in many instances ultimately to drift into lives of shame and crime. There is little chance for the reformation of a prisoner when he is daily confronted with the spectacle of a starving wife and hungry children, surely drifting into the depths of despair and degradation, and it is a miserable system that while failing to reform the father, with almost absolute certainty makes criminals and public charges of his wife and children. Every consideration of humanity and Christian charity demands that provision be made for the care of the indigent families of convicts, the innocent victims of man's misfortune or depravity.

Many worthy men are confined in the penitentiary, who by reason of a lack of means, friends, influence or opportunity, never come to the notice of the pardoning power. It is impossible for the Governor to give attention to individual cases, and equally impossible for the pardoning board to have personal knowledge of these friendless prisoners, as the law makes no appropriation for traveling expenses or clerical hire for the pardoning board. Much good could be done, and many cases of reformation effected, if provision were made for looking after the cases of these individuals, in order that any man confined in prison might feel and know that good conduct and meritorious service in the penitentiary would meet with sure and certain recognition, no matter how poor and friendless the individual might be.

We are glad to report that the number of vicious convicts in the peniten-

tiary is small, and that those classed as incorrigibles are indeed very few, and that the overwhelming majority of the prisoners are serving their sentences with good records for the faithful discharge of duty, and obedience to prison discipline.

We have made very careful and painstaking investigation into the case of every prisoner we have recommended for executive favor, and have recommended no man until we were fully satisfied that he was entitled to favorable consideration by the Governor and that he would be benefited thereby. If we have erred, it has been on the side of mercy and humanity, and we entertain the profound conviction that if the recommendations of your committee are adopted by the Chief Executive that the effect upon the other convicts in the penitentiary would be to stimulate them to renewed hope and better living.

We congratulate the Thirty-third Legislature upon its action in appointing a committee to do this work. It is the first time in the history of civilization that a Legislature has ever sought to save a human being from the consequences of his sin by giving him another chance to be a man.

Respectfully submitted,

WILL H. MAYES, Chairman.  
D. M. REEDY,  
W. L. HILL,  
GEO. WAVERLEY BRIGGS,  
F. C. WEINERT.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator McNealus:

Resolved, That in addition to the 4350 copies of the Penitentiary Committee report, ordered by concurrent resolution, 500 copies more be ordered for the use of the Senate and the office of the Secretary of State.

McNEALUS,  
WARREN,  
BRELSFORD.

The resolution was read and adopted.

#### ADJOURNMENT.

On motion of Senator Johnson, the Senate, at 12 o'clock m., adjourned until 10 o'clock tomorrow morning.

## APPENDIX.

## PETITIONS AND MEMORIALS.

Lieutenant Governor Mayes presented a petition from the Texas Federation of Women's Clubs, requesting appropriation for exhibit at Panama-Pacific Exposition.

## COMMITTEE REPORT.

Committee Room,  
Austin, Texas, July 29, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills, have carefully examined and compared

Senate bill No. 3, A bill to be entitled "An Act providing for the election of United States Senators by a direct vote of the people in accordance with the recent amendment to the Federal Constitution; providing that when vacancies happen in the representation of this State in the Senate of the United States that the Governor may make temporary appointments and shall issue the necessary writs of election to fill such vacancy, and also providing for the holding of primaries by political parties for the nominations of candidates for the United States Senate, and declaring an emergency,"

And find the same correctly engrossed.  
BRELSFORD, Chairman.

## NINTH DAY.

Senate Chamber,  
Austin, Texas,  
Wednesday, July 30, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Hudspeth.
Bailey.	Johnson.
Brelsford.	McGregor.
Carter.	McNealus.
Clark.	Morrow.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Harley.	Watson.

Westbrook.  
Wiley.

Willacy.

Absent—Excused.

Lattimore.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Taylor.

(See Appendix for standing committee reports.)

## ADDITION TO COMMITTEE ON STATE PENITENTIARIES.

Senator Hudspeth moved that Senator Willacy be added to Committee on State Penitentiaries.

The motion prevailed.

## SIMPLE RESOLUTION.

By Senator Collins:

Whereas, By resolution passed by the Regular Session of the Thirty-third Legislature, a committee was appointed to hear evidence of and concerning convicts confined in the penitentiary relative to their right to executive clemency under the provisions of the indeterminate sentence law passed by said Legislature; and

Whereas, Said committee has performed its labors with painstaking and great patience, and after hearing much evidence has recommended to the Governor that he exercise executive clemency in about four hundred cases of worthy convicts, who by their good deportment have proven themselves entitled to their freedom and their right again to enter upon the peaceful pursuits of life to earn a livelihood for those whom God has made dependent upon them; therefore, be it

Resolved by the Senate of Texas, That we heartily endorse the action of said committee and tender to it our sincere thanks for its splendid and unselfish service in the interest of humanity, and that we heartily concur in the recommendation of said committee for executive clemency, and that we hereby respectfully implore the Governor to act upon said recommendation and restore to their wives and children those convicts found by said committee to be worthy of their liberty.

The resolution was read, directed to be printed in the Journal and made a special order for tomorrow after the conclusion of the morning call.

## SIMPLE RESOLUTION.

By Senator Townsend:

I move that the report of the investigation committee on State penitentiaries, consisting of about 70 pages, be printed in today's Journal for the information of the Senate.

The resolution was read and adopted.  
(See Appendix for the report in full.)

## STATEMENT FROM STATE TREASURER.

The Chair had the following read to the Senate:

Austin, Texas, July 30, 1913.

Hon. Will H. Mayes, President, and Members of the Senate, Capitol.

Gentlemen: In view of the fact that the sum of \$486,250 was received from the Standard Oil Company, and paid into the State Treasury Department some eight days ago, and it being my desire to conform to the wishes of the Legislature; this money has been held in this department awaiting legislation making final disposition of same, but as no definite action has been taken, and as Article 4367 of the Revised Statutes of 1911, states plainly and clearly how all money shall be paid into the State Treasury, I do not feel that I should take any further responsibility by longer holding this money in suspense, so I have asked for a deposit warrant, placing the entire amount to the credit of the general revenue fund.

However, as both bodies of the Legislature have recommended that the A. and M. 3 per cent bonds should be redeemed out of this fund, I will hold \$205,000 of this amount for a short while until action can be taken in the matter, and will issue a call for outstanding warrants to the amount of \$281,250, to cover the balance, which will pay all outstanding pension warrants, in addition to all regular revenue warrants issued up to the 10th day of June.

I will appreciate it very much if you will take prompt action in making disposition of the \$205,000 which I am holding.

Yours respectfully,

J. M. EDWARDS,  
State Treasurer.

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, July 30, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House ordered the following resolution returned to the Senate:

Senate Concurrent Resolution No. 1,  
Relating to the Standard Oil fine; the House holds the amendment germane.

Respectfully,

W. R. LONG,  
Chief Clerk, House of Representatives.

## SIMPLE RESOLUTION.

By Senator McNealus:

Resolved, That the chairman of the Committee on Contingent Expenses of the Senate, the chairman of the Committee on Public Printing and the President of the Senate be appointed as a special committee to call upon the person having the contract to do the Senate printing in connection with the Report of the Special Joint Legislative Committee that investigated Penitentiary Affairs, and learn definitely when the Senate will receive the printed report; also that the Senate take such action as it may deem proper after receiving the report of this special committee.

WARREN,  
McNEALUS.

The resolution was read and Senator Willacy offered the following amendment:

Insert after the word "report," on page 2, line 6, the following: "and the cost of same, and said committee is further directed to ascertain whether or not the printing referred to herein can be contracted to any other printing house or firm and, if so, the price, terms and conditions."

The amendment was read and adopted.

Senator Brelsford offered the following amendment to the resolution:

Resolved, That the President of the Senate, chairman of Public Printing Committee and chairman of Contingent Expense Committee, be authorized as a special committee of the Senate to at once have printed 500 copies of the Penitentiary Committee's report, depositions and exhibits, to be printed by any public or private printer and to be paid for out of Senate contingent fund of Senate and to be printed for use of Senate.



The resolution was read and adopted, as amended.

EXCUSED.

On account of important business:

Senator Watson for yesterday, on motion of Senator Hudspeth.

VOTE ON SENATE CONCURRENT RESOLUTION NO. 2 RESCINDED.

Senator Warren moved that the Senate rescind the vote by which the amendments to Senate Concurrent Resolution No. 2 was concurred in on yesterday.

The motion prevailed.

Senator Warren moved to rescind the vote by which the Senate ordered 500 copies of the Penitentiary Investigating Committee on yesterday.

The motion prevailed.

BILLS AND RESOLUTIONS.

By Senators Wiley and Darwin:

Senate bill No. 7, A bill to be entitled "An Act to amend Article 1314, Revised Statutes, prescribing conditions upon which foreign corporations may obtain permits to do business in Texas, and providing penalties for violating the provisions of this act."

Read first time and referred to Judiciary Committee No. 2.

By Senators Willacy, Astin, Harley, Warren, Johnson, Taylor and Real:

Senate bill No. 8, A bill to be entitled "An Act to amend Chapter 150, General Laws, passed at the Regular Session of the Thirty-third Legislature, relating to application for witnesses in felony cases so as to repeal Section 4 of said Chapter, which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator Morrow.

Senate bill No. 9, A bill to be entitled "An Act to amend Chapter 132 of the Acts of the Regular Session of the Thirty-third Legislature, to provide for the indeterminate sentence of persons convicted of felony, and for the termination of such sentence and to provide for the

parole and release of convicts, to provide for the recapture and punishment of convicts violating the conditions of their parole and to provide for keeping the record of facts relating to convicts by certain officers and employes of the Board of Prison Commissioners and the transmission of such record of the Governor of the State, to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on State Penitentiaries.

RECESS.

On motion of Senator McNealus, the Senate recessed until 3:30 o'clock p. m., today.

AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

The Chair called the regular order as unfinished business, and there being no further business, declared the morning call concluded.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Gibson:

Resolved, That the Senate defer action upon all confirmations until 3 p. m., August 14, 1913, and that the Senate go into executive session at that time.

GIBSON,  
HUDSPETH,  
WATSON,  
CONNER,  
TAYLOR,  
CLARK,  
MORROW,  
CARTER,  
GREER,  
McGREGOR,  
HARLEY,  
BRELSFORD,  
BAILEY,  
NUGENT.

(President Pro Tem. Carter in the chair.)

The resolution was read, and Senator Collins offered the following amendment:

Amend the resolution by striking out "August 14th" and insert in lieu thereof "August 12th."

COLLINS,  
WATSON,  
CLARK.

The amendment was read and adopted. The resolution was then read and adopted, as amended.

The Senate was at ease, subject to call of the Chair.

### ADJOURNMENT.

At 4 o'clock p. m. the Senate was called to order by Lieutenant Governor Mayes, and on motion of Senator Warren the Senate adjourned until 10 o'clock tomorrow morning.

### APPENDIX.

#### PETITIONS AND MEMORIALS.

By Senator Gibson:

From citizens of Fannin county desiring that the Governor submit to the Legislature the subject of regulating the practice of massage.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, July 30, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Penitentiaries, to whom was referred

Senate bill No. 6,, A bill to be entitled "An Act to amend Chapters 1 and utes of 1911, the same being an act passed by the Fourth Called Session of the Thirty-first Legislature, and entitled 'An Act to establish a prison system and declaring the policy of the State with reference there,' and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with amendments.

Amend Senate bill No. 6, "that the salary of business manager shall not exceed \$5000 per annum."

HUDSPETH, Chairman.

Committee Room,  
Austin, Texas, July 29, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

House bill No. 1, A bill to be entitled "An Act making appropriations to pay

salaries of judges, and for the support of the Judicial Department of the State Government, for two years, beginning September 1, 1913, and ending August 31, 1915, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that the bill be printed.

WILLACY, Chairman.

#### REPORT OF PENITENTIARY INVESTIGATING COMMITTEE.

Austin, Texas, July 24, 1913.

To the House of Representatives of the State of Texas:

Gentlemen—Complying with the terms of House Concurrent Resolution No. 27, your committee appointed to investigate the financial record and transactions and general business conduct of the penitentiary system of the State of Texas, herewith submits a copy of the report this day filed with the Governor of its investigation, together with its recommendations for such changes and reforms as to the committee seems advisable.

The evidence and statements taken before the committee and made a part of said report will be forwarded to you by the committee tomorrow.

We also submit minority report by Hon. R. B. Humphrey, member of the committee upon the part of the House.

Respectfully yours,  
WILL H. MAYES,

Chairman of the Committee.  
Hon. O. B. Colquitt, Governor of Texas,  
Austin, Texas.

Sir: The financial statements of the penitentiary system for the years 1911 and 1912, disclosing a constantly increasing indebtedness on the part of the system, amounting on January 1, 1913. to \$1,528,458.04, directed public attention to the management of the institution, and suggested a critical analysis of the law under which the prison system is being conducted. This led to suggestions for a broad and painstaking inquiry into the operation of the entire penitentiary system, and culminated in the passage by the Legislature of House Concurrent Resolution No. 27.

This resolution authorized the appointment of a committee of the Senate and House, composed of the Lieutenant Governor, and two members of the Senate and three members of the House, which

committee was "authorized and instructed to investigate the financial record and financial transactions, and the general business conduct of the penitentiary system as far back as said committee, in its discretion, may deem advisable"; and provided that "said committee shall make a report to the Governor, recommending such changes or reforms in the financial conduct of the penitentiary system as they may deem advisable, and shall report, in full, to the Governor all valuable, pertinent information which they may be able to obtain with reference to the financial conduct of the penitentiary system."

The committee entered upon the investigation ordered by the Legislature and approved by yourself, on April 23, 1913, following the adjournment of the Regular Session of the Thirty-third Legislature, and has conducted such inquiries as seemed practicable to its members and in keeping with the spirit of the resolution creating the committee; and such as were deemed essential to elicit information justifying the committee in the formation of recommendations for the establishment of a sound public and business policy in the management of the State prison system. The record of these inquiries in detail is submitted with this report as a part thereof.

In its investigations the committee has sought to ascertain every material fact in the management of the prison system; and has endeavored in its study of the subject to take into consideration every factor entering into this complex problem. The investigation has been upon broad lines, calculated to determine causes and fix responsibility for present unsatisfactory conditions; and intended to develop policies and details of management leading to the establishment of a prison system upon a basis responding alike to the enlightened humanitarianism and the experienced business judgment of the day. In all its labors the committee has kept before it a realization of the fact that its most important duty lay in the acquisition of such data as would justify comprehensive recommendations of a constructive character.

In pursuance of this policy the committee has sought information from every available source that appeared profitable; from managers and employees of the prison system, present and past, and from citizens whose business experience, judgment and observation of the operations of the prison system qualified them to render efficient aid in the solu-

tion of the problem. Statements and recommendations herein submitted are the mature conclusions adduced from a careful review of these inquiries, and a thoughtful study of the questions involved in the conduct of the State penal system.

Necessarily, in the time at its disposal, the committee has been able to cover only the more important features of penitentiary management, and many questions of detail contributing in some degree to the present condition of prison system finances, or of more or less interest, as information concerning the conduct of the system, have not been inquired into because of lack of time.

In the presentation of its conclusions the committee has separated its report into two natural divisions, the first dealing with conditions under which the penitentiary has been conducted in the past and the policies that have affected in varying degrees the management of the institution and consequently are responsible, directly or remotely, for the existing situation, together with the committee's analysis of present conditions; and, secondly, the presentation and discussion of such policies and changes in the law and in the management of the penitentiary as has seemed to the committee best calculated to meet the demands of the future.

The committee did not enter into an investigation of the conditions surrounding the purchase by the State from the Imperial Sugar Company, of what is now known as the "Imperial State Farm," for the reason that the State is now involved in defending suit brought by the vendor for recovery of this property and for large damages, charging violation of the contract of sale upon the part of the State. This matter is now in the hands of the Attorney General, and, although the terms and conditions of this transaction are open to serious criticism, it is our opinion that with certain facts before us, we should leave it for judicial ascertainment without further comment.

#### Historical.

The Huntsville prison was established in 1849, and the earliest reference made to the Rusk penitentiary was in 1870, when the report shows two men were received there. In 1870 the Huntsville penitentiary and the entire convict population of 489 was leased to Ward, Dewey & Co., which lease continued in effect until the latter part of 1877, when the penitentiary was leased to E. H. Cunningham and L. A. Ellis, the contract



beginning in 1878 and continuing for five years. There were at this time 1569 convicts, and the most reliable information would indicate the price paid by the contractors was approximately \$3 per month per man, the State being relieved of all financial responsibility for the maintenance of the convicts.

At the end of their five-year lease, Cunningham and Ellis offered to renew it for a term of fifteen years, the maximum term the statutes permitted at that time; while Morrow, Hamblin & Co. offered to lease the Rusk penitentiary for a like period. The Eighteenth Legislature refused to ratify this lease, which action marked the end of the plan of leasing the penitentiaries as a whole, and the beginning of what is known as the convict lease system, under which men were leased in such numbers as contractors desired. The first leases were made at the price of \$15 per month, the contractors furnishing houses and food for the convicts and guards, the State bearing other expenses and employing and paying the guards. The State's portion of the expense was estimated at \$9 per month per man, netting \$6 on the contract. It may be of interest to note that the contractors were to get ten hours of labor a day. In 1898 a provision was inserted in the lease contract whereby the State was to feed all convicts under lease, the sum of \$4.50 per month being added to the contract price, this being the sum estimated as necessary to feed the men.

During the superintendency of J. A. Herring, the contract price of labor was raised to \$29 and \$31 per month, although prior to that time railroads and mining companies had paid as much as \$35 per month for convict labor, the State in each instance feeding, clothing and guarding the men.

The contract lease policy continued without interruption until the investigation of the special committee in 1909 disclosed the abuses that had grown up under long years of operation, resulting in the passage of the present statute directing the abolition of that policy, which facts are too fresh in the public mind to need further comment in this connection.

#### Audits.

The committee did not undertake an independent audit of the books of the prison system. In 1909 the special legislative investigating committee secured an audit by the Corporation Audit Company, public accountants of Dallas, which covered the period from Novem-

ber 1, 1900, to August 31, 1909. By direction of the present Prison Commission, upon the suggestion of your Excellency, an audit was made by F. J. Huey, certified public accountant of Houston, covering (1) the operations of share farms from January 1, 1910, to January 20, 1911; (2) the operations of the prison system from April 1, 1910, to December 31, 1911; and (3), the operations of the system for the year ending December 31, 1912.

When the new law became effective January 20, 1911, it provided for the appointment of an auditor for the system, Mr. A. M. Barton being appointed to that position, and his report was available, covering the period of his occupancy of the office. In March of this year, Mr. J. M. Moore was appointed auditor to succeed Mr. Barton, and the committee also had the benefit of his investigation of the financial transactions of the system. Under the circumstances it did not appear to the committee that another special audit would be justified or would disclose any fact not already known. If these audits were unreliable to determine what the records of the system show, the committee felt that it had no assurance another special audit, involving additional expense, would be any more likely to discover inaccuracies or irregularities. The audit made by the Corporation Audit Company, covering the years from November 1, 1900, to August 31, 1909, contained a large amount of valuable information respecting the operations of the prison system, and it would appear to the committee, has never been studied to much advantage either by the prison management, the State officials or by the public.

The Corporation Audit Company, in their report direct attention to the fact that for the period covered by their investigation the books had been closed only at the end of each two years; that forced balances were necessary to start with, and that at varying periods during the nine years reviewed by them the books relating to the business transactions of the prison were kept in such manner as to be practically without value, but that beginning with 190 the accounts had been fairly well kept, though the balances at the beginning of that period had been forced.

During the past three years, and since the first of the audits mentioned was made, notable improvements have been effected in the accounting methods of the institution, but the accounting system is signally inadequate in import-

ant details, and it is imperative that many improvements must still be introduced before an institution of the magnitude of the penitentiary system can be administered upon a basis of business efficiency.

This committee has reviewed all the audits since 1900, and it is our conclusion that while the records may show, with a fair degree of correctness, most of the transactions of the prison system, such records are inaccurate and unreliable to disclose the profitableness or unprofitableness of any particular industry or business activity of the penitentiary system.

It appears that in the operations of farms or factories, items carried in one account during one period or under one management were carried in some other account at another time or by other accountants. This fact alone is sufficient to render it impossible to ascertain accurately the cost of production of different manufactured articles or the exact cost of producing various crops. The system of exchange between factories and farms appears in many instances to have been carried on upon a more or less arbitrary plan, lacking in uniformity throughout the system, and frequently independent of considerations of actual cost of producing the articles exchanged, or the value of such articles in the open market. Such illogical plans may have had the effect of showing arbitrarily a profit for a department of the system when actual conditions, including each element of cost in production of the article, would disclose the lack of net earnings, or a loss.

#### Losses at Rusk and Huntsville.

We have given careful consideration to the various manufacturing enterprises carried on at Huntsville and at Rusk, as indicated by the testimony before the committee, and the special reports secured from managers of the different departments; and while the methods of accounting do not provide absolutely correct information concerning the operations of each industry, as before stated, we are forced to the conclusion that no manufacturing industry undertaken by the prison system shows conclusively that it has ever been conducted at a profit; or, if so, certainly not for any appreciable length of time, notwithstanding certain factories in the Huntsville prison show a book profit for certain years.

Our investigation leads us to accept as the minimum loss in the nine years from November 1, 1900, to September 1,

1909, the amount indicated by the report of the Corporation Audit Company, which places the loss at Rusk at \$863,734.72, and that at Huntsville at \$352,168.71. These amounts are reached by an arbitrary credit for labor of \$609,518.32 at Rusk, and of \$448,396.95 at Huntsville, which credits are made presumably because a proportionate part of such labor credit was charged against the different industries in the two prisons. If each of the activities of the prisons was charged with the labor employed by it, then such credit is not only permissible but essential to a proper balance of the account. If the different industries were not so charged, however, and the only evidence of the charge is in the credit itself, the loss sustained would be, for Rusk, \$1,473,253.04; and, for Huntsville, \$800,565.66.

Accepting the statement of Financial Agent W. M. C. Hill, in his official report on August 31, 1902, that "Rusk at this time is due the system \$1,565,678.20, being the cost above total receipts for fifteen years," and adding thereto the subsequent losses to December 31, 1912, after absorbing all receipts, and allowing a credit of \$609,518.32 for convict labor, the Rusk penitentiary has cost the State \$2,328,305.54 above total earnings for only that part of its existence for which partial records are available.

The report of the Corporation Audit Company is illuminating as to the conditions prevailing in the management of the Rusk penitentiary for the period covered by their audit. To quote that report:

"The principal industry at Rusk is that of manufacturing pig iron and cast iron piping; the records will not permit of any intelligent report on the cost of manufacturing iron pipe, etc. We made special effort to find records of some description that would enable us to give an intelligent report on this branch of the system, but after compiling what figures we could find from various pencil memoranda, any results gathered therefrom would be misleading and without value. An idea of the records at Rusk is found in a notation on one of the books, saying, 'These few days' operations of the furnace is left blank because the furnaceman refused to make daily report.'"

The report gives the loss from operation of the iron industry at Rusk for the period covered by their examination, "Without any proportion of the general expenses and without any charge for the

salaries of the general manager and superintendents," as \$297,657.86.

It is needless to say that had the iron industry been charged with its rightful share of the general system expense, and also special salary and other expenses, the loss chargeable to this industry would be greatly augmented.

The efforts by the State to develop the iron industry at Rusk present one uninterrupted record of financial disaster. Coke is not accessible, lime rock expensive to secure, and the difficulties and cost of mining and moving the ore render it an undertaking calculated to tax the business acumen, and the executive ability of private enterprise to the utmost, which facts preclude the possibility, in the judgment of this committee, that the State can ever hope to operate this industry without tremendous loss. It is doubtful if there can be found in the history of the United States an illustration of the use of public funds for the development of natural resources upon purely sectional demands, without system or attempt at business management, and subjected to the vicissitudes of changing administrative policies, as indefensible as that presented in the attempt to promote this iron industry. The establishment of a part of the penitentiary system at Rusk, and the expenditure there of hundreds of thousands of dollars, in furnace and smaller industries, tells an impressive story of the costliness to the people of such experimental policies. The genius of modern commercial enterprise may, in the course of time, place the iron industry in East Texas upon a profitable basis, but the unbusiness-like attempts of the State at development of that industry promise only a continuing exhibition of stupendous folly prejudicial to development by legitimate industry, and emphasizing not alone the absence of business policies in affairs of the State, but apparently the inability of the State to legislate with reasonable regard for business considerations.

We have considered the iron industry at Rusk with regard to the contract entered into between Your Excellency on behalf of the State and private parties for the operation of the State furnace, and have carefully inquired into the probability of profitable employment of convicts in mining the ore and delivering it to the furnace, and although the State's heavy investment in the Rusk plant suggests the importance of extraordinary efforts to derive the largest possible returns to the State from the

proposed operation of the furnace, through the employment of a considerable force of convicts at remunerative wages, it is the conclusion of the committee that, under the terms of the contract, convicts cannot be used with profit in this work; and that the best interests of the State will be subserved by selling the ore to the lessees in the beds, notwithstanding the price named in the contract is negligible. It no doubt was advisable to lease the Rusk furnace for the period stipulated in the contract for the purpose of inducing private enterprises to undertake the development of the iron industry of East Texas; at the same time, we feel we should suggest that so long as private parties are able to lease these valuable properties at the price to be paid, they are unlikely to endeavor to purchase, at a reasonable valuation.

#### Revenues, 1901 to 1910.

With the idea of presenting a comparison of the cost of per capita maintenance of the convicts under the old law and under the new, the committee ascertained as nearly as the records disclose the receipts of the system for the preceding ten years. When an effort was made to figure the relative cost, it was found that no equitable plan could be devised upon which to make the desired comparison. For example, there was nothing in the books of the preceding years, or the audits covering that time, to show that a charge for labor had been made in all the units of the system; nor was the record of expenditures for permanent improvements, and betterment sufficiently reliable to justify the assumption that the total of such expenditures, or even any material proportion of them, had been accounted for. Therefore, owing to the differences in the accounting record, and lack of complete detailed statements showing receipts and expenditures, and operating, maintenance and overhead expenses, any comparison of per capita cost of conducting the prison system would be of no value.

As furnishing pertinent information respecting the financial history of the prison system, however, the statement of sources of revenue for the years indicated will be found of special interest.

The total of appropriations for these ten years was:

For the biennial period ending August 31, 1902 .....	\$135,625 00
For 1903-4 .....	385,996 78
For 1905-6 .....	77,619 99

For 1907-8 .....	21,510 00
For 1909-10 .....	164,485 45

Total .....	\$785,237 22
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The income from State farms for the ten-year period was \$1,621,219.16.

During this period the Harlem, Clemens and Wynne farms were operated all of the time, the Ramsey farm for three years and Imperial farm two years.

From the operation of share farms the receipts for the ten years were \$2,900,008.28.

These share farm receipts were derived from the operations of the Williams, Farris, Dunovant, Johns, Stratton, Spiller, Whatley, Johnson, Walnut and Eastham farms.

Miscellaneous gross receipts, including the output of the Rusk and Huntsville prisons, the Texas State Railroad and the Star State sawmill in this period aggregated \$3,036,677.60.

The terms under which the share farms were worked were that the State receive 60 per cent and the landowner 40 per cent of the products, the State furnishing the men and feeding, clothing and guarding them, while the landlord furnished teams, tools and feed for the teams, as also buildings in which to house the men.

The receipts during the ten years named from convict lease labor contracts were for—

1901 .....	\$376,948 43
1902 .....	375,556 47
1903 .....	399,584 76
1904 .....	417,836 72
1905 .....	404,235 74
1906 .....	428,382 80
1907 .....	417,441 47
1908 .....	473,135 89
1909 .....	460,381 41
1910 .....	344,735 85

The grand total of receipts from the four sources named in the records of the prison system for the years indicated is \$12,405,821.06.

During this period the property account of the prison system was increased by the purchase and payment for the Ramsey farm at a cost of \$106,727.50, and the Imperial farm at a cost of \$160,000.

For the four years immediately preceding the date on which the new law became effective the receipts from lease contracts were the greatest of any four years in the history of the prison system, being \$1,695,694.66, or \$45,654.64 more than for the preceding four years.

In his statements before the committee, Judge W. H. Gill, chairman of the

Prison Board during the four years preceding the present law, commenting upon the lease system, said:

"I understand the lease system should have been abolished in 1914. They were to give us three years to wipe it out. Will say here that it was the policy of our administration and the preceding administration to abolish the lease system without reference to the date fixed by law. I think now it was a mistake to have done it as it was done. The law ought to have done it in a different way. Under the lease system the State housed its convicts, clothed its convicts, fed its convicts, and at its own expense, just like it does on its farms. They were handled by guards employed by the State, and they were under the control of a sergeant controlled by the State, and it was up to the sergeant to say whether and how many hours they should work, but there was always a danger of abuse, and the owner of a plantation who was paying \$31 per month for convicts had the temptation before him all the time to induce the guards to overwork the convicts, and there was that danger whether it actually occurred or not, that the guard or sergeant might be corrupted. That was the only harm I knew of the lease system while I was in office. I know of occasions of overwork. I know by hearsay, there were some pretty hard drivers, but I don't know if it exceeded then what free labor is forced to do in emergencies where they are threatened with a freeze or their crops are in the grass. I never saw them work any harder than the free negro on the farm does. There was no reason why, if the lease system had been properly abandoned, the State might not have found ample work for their convicts on the farms, for there were plantation owners with land planted to cane, and other lands with other crops that the State could either have got for money rent or part of the crop. We worked the Sugarland plantation that way when I went out of office, and they made it a paying proposition, too, I think."

By reference to the penitentiary records it is shown that the statement of Mr. Gill to the effect that the administration of which he was a part, as well as the previous administrations, had followed the policy of eliminating the lease system is borne out. The fact that the administration of Judge Gill was directed towards the increased employment of convicts on share farms is also indicated. In 1906 there were 1772 men leased to contractors, and 452 worked on share



farms; and in 1910 there were 1056 men leased to contractors and 821 were worked on shares.

Under these circumstances, of a constant decrease in the number of leased men, the fact that the four years covered by Judge Gill's administration shows the largest receipts from the sale of labor requires explanation. This explanation is found in the increase during that period of the charge of leased labor to \$31 per month, while the railway and mining companies paid \$35 per month.

#### Present Indebtedness.

In the endeavor to present in full detail the present indebtedness of the prison system in such manner as will enable the Legislature to secure a comprehensive idea not only of the indebtedness but of the assets and liabilities and of the operation of the various departments of the system, the committee submits herewith a series of statements bearing upon the financial operations of the system.

Statement No. 1 presents the assets and liabilities of the system on December 31, 1912, as also surplus from operations. It will be observed that the Rusk State Railroad bonds of \$100,000 is being carried as a liability, while the prison system is carrying as an asset \$91,070.53 in its general account for money paid out on account of the railroad, which would leave a balance of \$8929.47 in favor of the system. Full detail of these accounts may be found in the records of the prison system or may be derived from the special audit of certified public accountant, F. J. Huey, for the year 1912.

#### Assets and Liabilities of Prison System.

Assets.	
Cash .....	\$ 38,772 24
Bills receivable .....	33,608 71
Accounts receivable .....	276,290 45
Texas State R. R. (general account) .....	91,070 53
Property account, Huntsville, Rusk and Farms—	3,876,161 49
Inventories —	
Operating Huntsville penitentiary .....	\$158,815 50
State farms.	262,126 50
Share farms.	18,794 68
Rusk penitentiary .....	41,880 50
	<u>481,617 18</u>
	<u>\$4,797,500 60</u>

#### Liabilities.

Capital .....	\$2,195,214 91
Appropriations .....	310,000 00
First mortgage R. R. bond.	100,000 00
Bills payable.	\$912,374.93
Accounts payable .....	441,107 08
Pay roll ....	25,807 18
Per diem due convicts ..	112,713 81
Accrued interest and taxes .....	36,455 04
	<u>1,528,458 04</u>
Surplus ....	\$ 662,827 65
	<u>\$4,797,500 60</u>

#### Statement Expenditures and Indebtedness Incurred, January 20, 1911, to December 31, 1912.

Statement No. 2 shows the total expenditures of January 20, 1911, to December 31, 1912, in excess of the earnings of the system for the two years; or, in other words, this statement shows the assets created out of the indebtedness incurred during this period, as also exhibiting the losses sustained from the operations of the system during the period. The statement also shows the appropriations by the Legislature for the two years; the amounts due sundry individuals and companies, as also the amount of cash spent during that period in excess of the amounts received.

Full details of the operations of the prison system will be found in the audit of Accountant F. J. Huey on file.

Expenditures for buildings, live stock equipment, etc.	\$ 652,086 92
Addition to inventories of operating supplies .....	82,954 52
Additions to accounts and bills receivable .....	271,923 52
Loss from operations, farms and industries, 1911....	375,287 15
Loss from operations, farms and industries, 1912....	416,753 20
	<u>\$1,802,005 31</u>

The penitentiary indebtedness being in excess of earnings December 30, 1912, is as follows:

Incurring during period January 20, 1911, to December 31, 1912:	
Appropriations by State...	\$ 310,000 00
Accounts payable in notes, pay rolls and interest accrued and per diem due convicts .....	1,481,299 49
	<u>\$1,791,299 49</u>

Cash on hand January 20,  
1911, in excess of amount  
on hand December 31,  
1912 ..... 10,705 82

\$1,802,005 31

Financial condition July 1, 1913:

Indebted-  
ness Dec.

31, 1912. \$1,528,458 04

Indebted-  
ness July

1, 1913..

\$1,656,835 47

Appropriations by

33d Legis-

lature ...

550,000 00

Receipts of

prison sys-

tem Jan-

uary 1,

1913, to

July 1,

1913 ....

59,747 15

Balance in

State

Treas-

urer's of-

fice July

1, 1913..

192,969 42

\$1,721,427 46 \$2,266,582 62

Increase in

indebted-

ness from

January

1, 1913, to

July 1,

1913 ....

545,155 16

\$2,266,582 62 \$2,266,582 62

From this statement it will be determined that the expense of conducting the prison system is now approximating the sum of \$1,000,000 per annum. It is proper to state, however, that the expenditures for the first half of the year, being the season of heaviest expense incurred in planting and cultivating the crops, may be somewhat in excess of those for the remainder of the year.

It will also be seen that the receipts thus far reported during 1913 amount only to \$59,747.15, the remainder of the expenditure for the current year being derived from the cash appropriations. Attention should be directed to the fact that the period represented in this statement covers that portion of the year when there are practically no receipts from the operations of the prison system.

Statement No. 3 shows the actual cash receipts, and the actual cash disburse-

ments from January 20, 1911, to December 31, 1912. The statement does not include sales by system industrial departments to the farms, or department exchanges, for which a book charge only is made. It will be observed that the cash on hand January 20, 1911, was \$49,478.06, and the cash on hand December 31, 1912, was \$38,772.24, the difference of \$10,705.82 being shown as cash disbursed on statement No. 2.

Cash on  
hand Jan-

uary 20,

1911 ....

\$ 49,478 06

State appro-

priations \$ 310,000 00

Borrowed

from

banks and

share

farm con-

tractors .

252,246 34

Sale of

crops,

mfg. prod-

ucts, etc..

1,075,578 14

Received

from

lease

contract-

ors .....

212,395 55

1,830,220 03

\$1,879,698 09

Less Disbursements—

Pay rolls \$ 630,472 41

Transfer

agents'

salaries .

7,140 00

Convict

per diem.

90,162 02

Food, sup-

plies, live

stock, im-

prove-

ments,

equip-

ment and

repairs ..

1,113,151 42

1,840,925 85

Cash on

hand

\$ 38,772 24

Sales of crops, manufactured products, etc., \$1,075,575.14, includes sales for cash only, and does not include sales to the farms or other departments, for which a book charge only was made.

Accounts Charged Off.

In the period between 1900 and 1910 the following sums represented by notes

have been charged off the books as loss. From the Huntsville books, something more than \$44,571.35; and from the Rusk books more than \$49,820.65. In addition to these notes the auditors direct attention to the facts that there were open accounts of various sums never collected; or to quote the auditors "if collected not accounted for." The books on May 1 of this year show accounts of \$165,270.50; and notes amounting to \$27,164.86. Of these sums, accounts aggregating \$60,953.70, and notes amounting to \$10,250.04, being a total of \$71,203.74, were on the books when the present management assumed control of the prison system in 1911, which would indicate the improbability that anything can be realized from them. In this connection, we would state that the audit of 1912 shows that out of \$276,270.45 in all probability \$118,700.97 may not be collected, the auditor declaring the accounts of doubtful value. Among the accounts classed as doubtful is included \$78,734.57 representing cane grown by the prison system and sold to the Imperial Sugar Company, for which suit is pending.

Attention is directed by the committee to the losses and the status of these accounts for the purpose of emphasizing the lack of proper business methods in the sale and collecting department of the prison system extending back as far as the special audits have been conducted into the records of the transactions of the system.

#### Farm Operation Losses.

We have examined at considerable length into the operation of the different prison system departments and direct attention to the result of the operation of the State farms and share and lease farms for the years 1911 and 1912. The losses sustained by the farms are as follows: In all instances a convict labor charge of 50 cents per day was allowed in addition to maintenance supplies.

The operations for 1911 show:

Harlem State farm, loss from operation .....	\$ 55,643 67
Harlem sugar house, loss from operation .....	22,202 37
Imperial State farm, loss from operation .....	54,370 79
Ramsey State farm, loss from operation .....	40,189 22
Clemens State farm, loss from operation .....	37,229 04
Clemens sugar house, net earnings .....	33,586 67

Goree State farm, loss from operation .....	7,063 30
Wynne State farm, loss from operation .....	11,053 17
Bassett Blakely share farm, loss from operation .....	9,451 59
H. L. Trammell share farm, loss from operation .....	9,300 10
Lakeside Sugar Co. share farm, loss from operation .....	20,407 76
E. A. Eastman share farm, loss from operation .....	7,675 74
Imperial Sugar Co. share farm, loss from operation .....	29,645 36
Burleson & Johns share farm, loss from operation .....	11,824 80
Elkins & Gibson share farm, loss from operation .....	10,818 36
H. S. Drew & Bro. share farm, loss from operation .....	20,813 70
Della Eastham share farm, loss from operation .....	22,252 19
N. A. Shaw share farm, loss from operation .....	12,268 20

Total loss from farm operations .....\$382,209 37

Net profit Clemens sugar house .....\$ 33,586 67

The operations of the State and lease farms for the year 1912 show the following results:

Harlem State farm, loss from operation .....	\$ 12,531 96
Harlem sugar mill, loss from operation .....	19,308 38
Imperial State farm, loss from operation .....	100,274 54
Ramsey State farm, loss from operation .....	66,213 40
Clemens State farm, loss from operation .....	78,787 76
Clemens sugar house, loss from operation .....	11,118 51
Goree State farm, loss from operation .....	5,188 76
Wynne State farm, loss from operation .....	9,794 25
Bassett Blakely leased farm, loss from operation .....	15,648 29
Burleson & Johns leased farm, loss from operation .....	35,166 01
N. A. Shaw share farm, loss from operation .....	25,233 37
Lakeside Sugar R. Co. share farm, loss from operation .....	54,821 91
H. L. Trammell share farm, loss from operation .....	12,937 26

Total losses for two years .....\$471,685 44

Net profit Clemens sugar  
house (for 1911) .....\$35,586 67

During the time covered by the foregoing statement of operations a considerable amount of work has been done on some of the State farms for which the property account of the prison system is entitled to credit. The charges for work of this character on the different farms are as follows:

Credit for clearing and ditching land on Clemens farm.	\$ 28,748 20
Credit for clearing and ditching land on Ramsey farm.	55,585 50
Credit, improvements Imperial farm .....	21,496 20
Credit, clearing land Harlem farm .....	27,674 60
	<hr/> \$133,504 50

From the foregoing statements it is observed that the expenditures in the operation of the farms exceeds receipts for the two years in the sum of \$820,326.37, and hence to this amount affects the indebtedness of the system; while the amount of \$133,504.50 represents the improvements and credit to be made to the property account.

There can be no doubt of the fact that the freeze of 1911 represented a serious loss, estimated anywhere from \$200,000 to \$300,000, though no reliable figures are obtainable, as sugar cane is a crop subject to considerable hazard. The loss due to the freeze, however, so far as it affects the present indebtedness of the system can only be measured by the amount it cost the system in cash, or obligations, just as a crop failure of any other character would be applicable. This is included in farm losses. It should be mentioned that even with the freeze the return from the cane crop of 1911 compares favorable with that of 1912, in which year there was a drought, the returns from the cane crop for the two years being as follows:

1911—

Cane from Clemens farm....	\$ 88,303 74
Cane from Imperial farm...	32,874 78
Cane from Ramsey farm....	25,495 20
Cane from Harlem farm....	32,602 90

Total receipts from the  
four State farms.....\$179,276 52  
Of this amount the sum of \$78,734.57  
is not yet paid and is involved in suit.

1912—

Cane from Clemens farm....	\$ 32,589 16
Cane from Harlem farm....	40,511 96

Cane from Ramsey farm....	11,790 81
Cane from Imperial farm...	26,589 34

Total of .....\$111,481 27

In this year there was an unusually light rainfall during the maturing season.

Altogether, these two years forceably remind us that sugar cane and the making of sugar is a very hazardous industry. It is to be regretted that the returns from these farms did not realize expectations entertained of the cane crop, but we cannot agree with the Prison Commission in the conclusion that the estimated value of the cane crop, before the freeze, accounts for \$250,000 or more of our present indebtedness, for the reason that the true charge is equal only to the amount expended and not recovered. As a matter of course, the indebtedness would have been much reduced had no freeze occurred, but the same could be said of our cotton crop of 1912 had there be no drought.

It may be said in this connection that while the three disastrous fires in the two penitentiaries caused a property loss estimated at \$286,931.75, the direct effect upon the present indebtedness of the system can only be measured by the actual cost of the partial restoration of the plants, which is estimated to date by Commissioner L. W. Tittle at \$60,000.

In addition to this actual cash payments for repairs to roofs and new machinery were made, amounting to \$26,100.

#### Per Capita of Maintenance.

Cost per capita, per diem and per month on the State, lease and share farms for the years 1911 and 1912. This includes maintenance, supplies and clothing only, plus 9 cents per diem per capita overhead system charges, and the 10 cents per diem required by law.

Note.—The average cost per capita per month for the entire system for the year 1911 was \$17.03, and for 1912, \$20.59, including overhead charges and per diem.

Harlem State Farm—  
Cost per diem convict  
M. S. and clothing..\$0.5920  
Cost per diem convict  
overhead expense system ..... .19

Per diem .....	\$0.7820
Per month, maintenance, supplies and clothing with overhead charges .....	\$23 46



Imperial State Farm—  
 Cost per diem convict  
 M. S., and clothing..\$0.2513  
 Cost per diem convict  
 overhead expense sys-  
 tem ..... .19

Per diem .....\$0.7113  
 Per month, main-  
 tenance, supplies and  
 clothing with over-  
 head charges ..... 21 33

Ramsey State Farm—  
 Cost per diem convict,  
 M., S. and clothing..\$0.5159  
 Cost per diem convict  
 overhead expense sys-  
 tem ..... .19

Per diem .....\$0.7059  
 Per month, main-  
 tenance, supplies and  
 clothing with over-  
 head charges ..... 21 17

Clemens State Farm—  
 Cost per diem, M., S.  
 and clothing .....\$0.6965  
 Cost per diem overhead  
 expense system ..... .19

Per diem .....\$0.8865  
 Per month, main-  
 tenance, supplies and  
 clothing with over-  
 head charges ..... 26 59

Burleson & John Share Farm—  
 Cost per diem, M., S.  
 and clothing .....\$0.3479  
 Cost per diem, overhead  
 expense system ..... .19

Per diem .....\$0.5379  
 Per month, main-  
 tenance, supplies and  
 clothing with over-  
 head charges ..... 17 13

T. W. House Contract Force—  
 Cost per diem, M., S.  
 and clothing .....\$0.3876  
 Cost per diem, over-  
 head expense system .19

Per diem .....\$0.5776  
 Per month, main-  
 tenance, supplies and  
 clothing with over-  
 head charges ..... 17 32

N. A. Shaw Share Farm—  
 Cost per diem, M., S.  
 and clothing .....\$0.4652  
 Cost per diem, overhead  
 expense system ..... .19

Per diem .....\$0.6552

Per month, main-  
 tenance, supplies and  
 clothing with over-  
 head charges ..... 19.66

Lakeside Sugar Co.—  
 Cost per diem convict  
 M., S. and clothing..\$0.5151  
 Cost per diem convict  
 overhead expense sys-  
 tem ..... .19

Per diem .....\$0.7051  
 Per month, main-  
 tenance, supplies and  
 clothing with overhead  
 charges ..... 21.15

Bassett Blakely Share Farm—  
 Cost per diem convict  
 M. S. and clothing...\$0.3324  
 Cost per diem convict  
 overhead expense sys-  
 tem ..... .19

Per diem .....\$0.5224  
 Per month, main-  
 tenance, supplies and  
 clothing with overhead  
 charges ..... 15.67

H. L. Trammell Share Farm—  
 Cost per diem convict  
 M., S. and clothing..\$0.3929  
 Cost per diem overhead  
 expense system ..... .19

Per diem .....\$0.5829  
 Per month, main-  
 tenance, supplies and  
 clothing with over-  
 head charges ..... 17 48

Average per month,  
 all farms ..... \$20 18

Note.—Overhead charge for general  
 system, expense and per diem amounts  
 to \$5.70 per month, and increases per  
 capita cost to this extent.

1912.

Harlem State Farm—  
 Cost per diem convict,  
 M., S. and clothing..\$0.7333  
 Cost per diem convict,  
 overhead expense sys-  
 tem ..... .19

Per diem .....\$0.9288  
 Per month, main-  
 tenance, supplies and  
 clothing, including  
 overhead charges ... \$27 864

Imperial State Farm—  
 Cost per diem convict  
 M., S. and clothing..\$0.596

Cost per diem convict,  
overhead expense of  
system ..... .19

Per diem .....\$0.786

Per month, maintenance, supplies and  
clothing, including  
overhead charges ... 23 58

Ramsey State Farm—  
Cost per diem convict,  
M., S. and clothing..\$0.68

Cost per diem convict,  
overhead expense sys-  
tem ..... .19

Per diem .....\$0.87

Per month, maintenance, supplies and  
clothing, plus over-  
head charges ..... 25 10

Clemens State Farm—  
Cost per diem convict,  
M., S. and clothing..\$0.604

Cost per diem convict,  
overhead charge sys-  
tem ..... .19

Per diem .....\$0.794

Per month, maintenance, supplies and  
clothing and over-  
head charges ..... 23 82

Note.—Average per capita cost of con-  
victs per month, including maintenance,  
supplies, clothing and overhead charge  
19 cents, \$24,0978.

1912.

Burleson & Johns Leased Farm—  
Cost per diem convict  
M., S. and clothing..\$0.6348

Cost per diem convict,  
overhead expense sys-  
tem ..... .19

Per diem .....\$0.8248

Per month, maintenance, supplies and  
clothing, with over-  
head charges in-  
cluded ..... 27 745

T. W. House Leased Farm—  
Cost per diem convict,  
M. S. and clothing..\$0.723

Cost per diem convict,  
overhead charges sys-  
tem ..... .19

Per diem .....\$0.913

Per month, maintenance, supplies and  
clothing, including  
overhead charges ... 27 09

N. A. Shaw Farm—  
Cost per diem convict,  
maintenance, supplies  
and clothing .....\$0.492

Cost per diem convict,  
overhead charge of  
system ..... .19

Per diem .....\$0.682

Per month, maintenance, supplies and  
clothing, including  
overhead charges ... 20 46

Lakeside Sugar R. Co. Share Farm—  
Cost per diem convict,  
M., S. and clothing..\$0.547

Cost per diem convict,  
overhead charges sys-  
tem ..... .19

Per diem .....\$0.737

Per month, maintenance, supplies and  
clothing and over-  
head charges ..... 22 11

Bassett Blakely Lease Farm—  
Cost per diem convict,  
M., S. and clothing..\$0.64

Cost per diem convict,  
overhead charges sys-  
tem ..... .19

Per diem .....\$0.83

Per month, maintenance, supplies and  
clothing and over-  
head charges ..... 24 90

H. L. Trammell—  
Cost per diem per con-  
vict, M., S. and cloth-  
ing .....\$0.487

Cost per diem per con-  
vict, overhead charges  
system ..... .19

Per diem .....\$0.677

Per month, maintenance, supplies and  
clothing and over-  
head charges ..... 24 09

#### Acreage and Distribution of Men.

These tables are taken from state-  
ments submitted for the years 1911 and  
1912. The variation in acreage culti-  
vated per capita can be accounted for  
only by the surplus men carried on the  
farms or by reason of considerable clear-  
ing of land and labor performed other  
than the actual operation of the farms.

1911.

Acreage—State farms, 18,057; share  
farms, 25,363; contract farms, 18,680.  
Total, 62,140.

Number Men—State farms, 1000; share farms, 1059; contract farms, 605. Total, 2664.

Acreage per Man—State farms, 18; share farms, 24; contract farms, 30.88.

General average, 24 acres per man, 1911.

1912.

Acreage—State, 21,218; leased, 7705; share, 6810; contract, 11,170. Total, 36,993.

Number Men,—State, 1951; leased, 461; share, 416; contract, 43. Total, 2871.

Acreage per Man—State, 10.87; leased, 16.88; share, 16.37; contract, 41.

General average, 12.9 acres per man, 1912.

State Farms—1912.

Acreage—Harlem, 4570; Clemens, 4270; Imperial, 5233; Ramsey, 2773; Wynne, 355; Goree, 550.

Number Men—Harlem, 207; Clemens, 215; Imperial, 282; Ramsey, 167; Wynne, 52; Goree, 52.

Acreage per Man—Harlem, 22; Clemens, 19 6-7; Imperial, 18 5-9; Ramsey, 16 5-8; Wynne, 6 4-5; Goree, 10 3-5.

State Farms—1912.

Acreage—Harlem, 5093; Clemens, 4786; Imperial, 6037; Ramsey, 4045; Wynne, 291; Goree, 491.

Number Men—Harlem, 385; Clemens, 432; Imperial, 513; Ramsey, 421; Wynne, 88; Goree, 72.

Acreage per Man—Harlem, 13; Clemens, 11; Imperial, 11 3-5; Ramsey, 9 1-2; Wynne, 3 1-2; Goree, 6 5-7.

Report of A. M. Barton, September 1, 1910, on State farms only; no others available.

Acreage—Clemens, 4000; Ramsey, 3000; Imperial, 4500; Harlem, 3000.

Number Men—Clemens, 344; Ramsey, 181; Imperial, 334; Harlem, 161.

Acreage per Man—Clemens, 11 6-10; Ramsey, 16; Imperial, 13 1-2; Harlem, 18 6-10, and 1000 acres leased.

These tables of acreage cultivated in different years, in the judgment of the committee, present two facts demanding consideration. The first is the lamentable absence of any definite plan in the farm operations of the system, intended to utilize labor economically and efficiently; and the second is that, according to the testimony secured at the hearings, the control over the labor, under existing conditions, is so lax and inefficient that it will be found extremely difficult to maintain a definite policy of operations approaching the real labor efficiency of the number of convicts em-

ployed, both of which conditions must be improved before anything approaching satisfactory results may be expected.

Increased Expenses and Losses Under the New Law.

The fact that more or less of the increase in the cost of conducting the prison system has been charged directly and indirectly to the mandatory provisions of the new law, makes it essential that we review the provisions of the statutes bearing directly upon the financial operations of the system, and the labor efficiency of convicts.

The largest single increase in expenditures required by the new law is that providing for the payment of 10 cents per day to convicts. This has aggregated from January 20, 1911, to December 31, 1912, \$233,000.73. This sum includes certain amounts allowed to lifetime men under a decision of the Attorney General rendered since December 31, 1912.

The provision of the law limiting the number of hours convicts must work and making allowance for overtime to cooks and all other convicts, no matter what class of service they perform, has been responsible for an increase from December 31, 1912, in the cost of the system of \$50,777.10.

The increase in the expense of the system through the change in management, as provided in Section 4 of the law, which refers to the Prison Commissioners, has been \$7520 to the end of the year 1912.

The creation of the offices of auditor, \$2400; parole agent, \$1500, and prison dentist, \$1800, has resulted in an increase expense to December 31, 1912, of \$11,400.

The increased expenses caused by provision for teachers and chaplains and increase of salaries of guards, stewards, and others, has amounted to approximately \$47,600.

The increase of cost of handling new convicts, the new law requiring all convicts to be sent direct to Huntsville, and later distributed, estimated to represent an added expense of \$5.00 for each convict, has been responsible for increased expenditures amounting to \$12,500.

The provision requiring segregation of the women convicts is declared responsible for the increase in the expense of the system of about \$2000, represented in additional pay of guards, physicians and chaplain. The law provides that convicts shall be furnished transporta-

tion to any point in the State that they may elect. The records show that in 1910 there were 1049 men discharged, at an average per capita cost of \$16.49; while in 1911 there were 1129 men discharged at a per capita cost of \$23.55, or an increase under the new law of \$7.06 each man released. For the two years, 1911-12, this will represent an increase of approximately \$15,000.

This indicates a total mandatory increase in the penitentiary expenditures required by the new law amounting in the two years, 1911-12, to \$379,791.73.

When the new law was passed in August, 1910, the sentiment of the people having found expression in a demand for the abolition of the lease contract system, the prison officials immediately began the elimination of the system, and the records show that no release has been renewed or a new one entered into since the passage of the present law. In anticipation of providing for the employment of men who would be released by expirations of leases, the prison authorities in 1910 made contracts for a number of share farms; such contracts being for the farms of Imperial Sugar Co.; Elkins & Gibson, Burleson & Johns, Bassett Blakely, Della Eastham, B. A. Eastham, Dew Bros., Lakeside Sugar Co., H. L. Trammell, and N. A. Shaw, a total of 24,533 acres, to run one and two years.

These share farm contracts proved unprofitable in 1911; the losses as determined by the special audit made by certified public accountant, F. J. Huey, being \$154,457.81.

At the expiration of these share farm contracts in 1911, the Prison Commission discontinued the share farm policy and adopted the policy of leasing from private parties for money rent, with options to give part of the crop, for such additional lands as were needed to employ the men available for farm work. The farms so leased in 1912 included 10,300 acres, on contracts for one to five years.

According to the audit of the prison system accounts by Accountant Huey for the year 1912 the losses on these lease farms were shown to have been \$75,475.24.

Acreage considered, the losses under the lease farm policy were approximately the same as the losses under the share farm plan.

The prison system was unfortunate in 1911 in experiencing two fires—a fire at Huntsville on December 4, 1911, causing injury to buildings of \$133,375; to

machinery of \$62,550.75, and to products of \$61,006; a total loss to the property account at Huntsville of \$256,931.75; also a fire at Rusk in 1911, entailing a loss to buildings of \$25,000, and of material \$5000; a total loss to the property account of the system of \$286,931.75.

In 1911, by all of the testimony available to the committee, there must have been the largest cane crop South Texas has had for many years. The prison system had a considerable crop that year—12,370 acres—evidenced by the fact that, notwithstanding the heavy losses from freeze, the receipts from the crop for 1911 were greater by \$48,004.84 than for 1912, when the system gathered and marketed all of the yield.

When the present law was passed in August, 1910, there were 1046 men under lease contract. When the new law became effective January 20, 1911, the number under lease was 883; of this number 711 were being worked by the contractors on farms and 172 on railroads. These leases were with the following persons: John D. Rogers, contract to expire January 31, 1912, but canceled November 15, 1912, because the contractor represented he did not need the men longer and desired to be released. W. T. Eldridge, contract expiring December 31, 1911. A. P. Borden, contract expiring December 31, 1911. Dew Brothers, contract expiring December 31, 1911. Dyer and Bertrand, contract expiring December 31, 1911. T. B. Henderson, contract expiring December 31, 1911, but canceled June 26, 1911, upon contractor's representation that the labor was unsatisfactory and his request to be released. W. L. Steele, contract expiring December 31, 1911, but canceled November 20, 1911, the contractor representing that he no longer desired the men. C. G. Wood, contract expiring December 31, 1911. Adams Brothers, contract expiring December 31, 1911. G., C. & S. F. Ry. Co., contract expiring December 31, 1911. Sugarland Ry., contract expiring December 31, 1911. T. W. House, contract expiring December 31, 1911.

The amount collected by the present Prison Commission from leased labor contracts expiring since January 20, 1912, was for contracts expiring in 1911, \$196,291.99; and for 1912, \$14,094.33; a total of \$210,386.52.

If it be desired to make further comparison of the revenues from lease labor contracts, the records show that for the years 1907-8 the State received \$890,-

595.36. For 1909-10 the receipts from leased labor contracts amounted to \$805,117.30. Or, the difference in receipts from leased contracts between 1909-10, and 1911-12, of \$594,730.78. Or a difference for the preceding two years of \$680,208.84.

Inasmuch as the loss revenue from the lease of convicts has been cited as an important factor contributing to the present indebtedness of the prison system, the committee, after much thought, has concluded that it is justified in discussing briefly the collateral facts of the abolition of the lease policy. When the present law was before the Legislature, and even after the provision for continuing the lease system until January 1, 1914, was incorporated, the bill, as it left the Senate, carried an appropriation of \$500,000 for the purpose of supplanting the loss of revenue which it was supposed would necessarily follow up a statutory declaration in opposition to the lease system, and from the widespread feeling of antagonism to the lease system throughout the State. This proposed appropriation was reduced in the House of Representatives to \$200,000, and later, according to best information available, eliminated entirely to secure Executive approval for the law. This was during the Special Session of the Thirty-first Legislature, convened August, 1910.

When the present prison authorities assumed control of the penitentiary system, they found 883 convicts under lease, for which the State was receiving pay at the rate of \$29 and \$31 per month. Following the policy begun by the authorities in 1910, after the passage of the law, the present Prison Commission took official action abolishing the convict lease plan on May 20, 1911, as disclosed in the minutes of the official proceedings of the Commission. In the absence of an appropriation of sufficient amount to carry the penitentiary over the period of transition in policy from the lease to the ownership of farms, we are compelled to believe the intent of the Legislature in leaving the provision for an extension of the lease plan to 1914 was to provide revenues which could not be secured by appropriations, and that, although the will of the people seemed to demand abolition of the policy, financial expediency dictated its sufferance for three years more.

The committee conceives these to be the facts; and in dismissing this feature of its investigation does not feel called upon to express an opinion as to whether

or not, under all the circumstances, of facing a known loss of revenue of considerable proportion on the one hand, and the certain knowledge that public opinion, crystallized from the agitation in 1909-11, favoring the earliest possible abolition of the convict leases, the lease policy should have been continued for the three years indicated by the law. Two observations, however, the committee feels pertinent: The first of which is that when the State is moved to the extent of declaring for a change of policy in the name of humanitarianism, it should display the practical humanitarianism of providing the reasonable cost of the inauguration of such policy; and the second observation is that as long as the purely business management of State institutions is subjected to the exigencies of popular expression, business considerations will be eclipsed by subservience to popular acclaim.

It has been charged that the provision of the law limiting the hours of labor, together with the suspension of the long-used method of punishment in the penitentiary—the strap—has resulted in decreasing the productive efficiency of convict labor in a very large degree. The inquiries of the committee concerning this feature of the law were extended, and though the testimony was practically unanimous in declaring that the effect of the law has been to increase the cost to the penitentiary system of its convict labor there was considerable diversity of opinion as to the extent of such diminution in the value of labor in the prison system to the various enterprises and activities conducted by the system. The committee has given much thought to this phase of the law, and to the representations made regarding its effect upon prison system operations, and are convinced that the law has operated to measurably decrease the efficiency of the men engaged in productive labor in the prison system, but to what extent the limitations on the hours of labor and its unresponsiveness to the special requirements of the different activities of the system is responsible for the increase in the cost of the maintenance and operating of the prison system, the committee has no reliable means of determining.

#### The Penitentiary Is Part of State Government.

Our penitentiary system may be compared to a great diversified business industry involving the investment of over



four millions of dollars. In this respect it is a plain business proposition calling for strictly business administration regardless of all other considerations. Every citizen is a stockholder and has an interest, not only in its intelligent management, but in addition thereto, in the proper care and training of the four thousand human souls involved. The best business brain available should be secured and placed in charge regardless of political affiliation or place of residence. The hope of our penitentiary system lies in the selection of competent, non-partisan management absolutely divorced from every consideration other than modern business principles to be applied in co-operation with humane control of our convict wards. As a State, we are confronted with the problem of utilizing the labor of these four thousand convicts so as to make it self-sustaining, if it can be done, without the sacrifice of humanitarian considerations. If this cannot be done, then the problem resolves itself into one of reducing the loss to a minimum. If the exigencies of circumstances demand it, we can rightfully sacrifice dollars for humanity's sake, but not for private or public reward or gain. One of the principal causes, and probably the main cause, leading up to present conditions, can be charged to the idea, almost universal in penitentiary circles, that the penal system is a law unto itself. And, indeed, for many years it has been treated as an outlying province, responsible to no one but itself. Prior to the enactment of the present statute, its revenues had not been required to be paid into the State Treasury, as were the revenues of all other departments, and the idea had become fixed that such revenues belong to the system for the system to dispose of at will and without the interference of legislative authority.

Such doctrine is both dangerous and demoralizing. No institution owned by the State should be permitted, even for a day, to pass from under the control and direction of the State. Such a policy is unwise both toward the State and toward the institution. Money comes too easily and is expended too recklessly. Relieved of legislative limitation and review, the only question is, how much money will be available, and even this is anticipated. Industries are inaugurated, and expensive buildings erected to suit the ideas of the management in authority, which may be entirely changed by the succeeding one.

Elements Entering Into the Present  
Financial Condition of the System  
as of Date January 20, 1911, to  
January 1, 1913.

Loss from operation—farms .....	\$ 820,326 37
Advanced account operation—State Railroad....	49,670 42
Expenditures—partial restoration account fires...	86,100 00
Per diem to convicts required by law, paid.....	90,162 02
Unpaid account for 1911, cane .....	78,734 57
Per diem to convicts required by law, unpaid...	142,838 71
Construction of houses and furnishing same, for officers and employes, approximately .....	35,000 00
Increase in salaries, authorized by law.....	7,520 00
Increase in salaries, authorized by law, 1911, auditor, dentist and parole agent	11,400 00
Interest on bills payable and taxes, unpaid.....	36,455 04
Overtime to December 31, 1912 .....	50,777 10
Increase expense account, chaplain, teachers, and increased salary of stewards and guards, for two years .....	47,600 00
Increase transportation, cost due to concentrating all convicts at Huntsville, estimated \$5 per convict .....	12,500 00
Segregation of women convicts; additional guards' salary, matron, physician and chaplain.....	2,000 00
Increased cost of transportation, account released convicts .....	15,000 00
Total .....	\$1,486,084 23

The records of the system show that improvements have been made upon the several farms and at Huntsville and Rusk during the period between January 20, 1911, and May 1, 1913, representing an outlay of \$589,871.48. While accounting for expenditure to this amount, this sum can not be considered in determining indebtedness resulting from the impositions of the new law, but would rather be considered as incidental to the change of policy from the convict lease and share system to direct operations of farms.

The committee has no reason to question the amounts indicated having been

expended for the purpose of improvement, but it is apparent that the system of accounting and checking upon the use of materials purchased for improvement purposes renders it extremely difficult, if not impossible, to determine the value of such improvements by the cost of materials. Portions of materials ordered for one farm or purpose are often moved to other farms and used for other purposes, with no system for showing these facts. All expenditures for improvements are merely charged to the particular account but not charged to the different buildings for which the material is bought.

The testimony, in reply to interrogations intended to disclose the amount of increased cost due to the fact that the prison system has been operating on credit, varies. All agree, however, that a considerable portion of the present indebtedness is due to this fact. Considering the magnitude of the operations of the system this amount of increased cost could, covering a period of two years, easily approximate \$100,000. It is also worthy of comment that the loss of revenue, resulting from the abrogation of the policy of leasing convicts, comparing the receipts from this source for the years 1911 and 1912, with those for the years 1909 and 1910, amounts to \$584,740.78. There can be no doubt that these items, which items are factors in creation of present conditions.

#### Factors in Increased Cost.

The committee has endeavored to resolve all influence, contributing in any measure to the cost of conducting the prison system under the new law into definite financial terms, assigning to each provision of the law, each policy, and each act of management the degree of responsibility that appears just. We have reviewed the effect of mandatory provisions of the law where the statutes express the increase in terms, as the per diem for convicts, for example, and have commented on other conditions universally conceded as exerting an influence but which are impossible of exact determination, such as the restrictions of hours of labor, and difference in physical ability of the convict. There remains to be considered the degree in which the policies adopted by the prison management have been responsible for increasing the cost of conducting the system.

The bill creating the Commission was passed amid a contest of partisan influences for its control, and became a law under conditions recognizing a standard

of public service prevailing throughout the whole of the past history of the penitentiary, that each administration held the right, by virtue of success, to determine new policies in the conduct of the institution, and to place in charge of the execution of such policies only those who could be expected to support and execute them.

Creating a Commission of divided authority, a provision in itself inevitably productive of differences in judgment, causing expensive delays in business administration; handicapped by the unbroken precedence recognizing and demanding substitution not only of methods of management, but of men; and further handicapped by a condition of finances compelling them to seek credit from whatever source it might be obtained, and for which condition the Commission could only be considered partially responsible, the terms of the law and the attendant circumstances have served to contribute to, rather than prevent, deeds of omission and commission each adding in a greater or lesser degree toward the creation of present conditions.

That the acts of the Commission might command popular approval would appear to have been the controlling cause for the order abolishing the lease system in 1911, rather than at the close of 1913, the time limit fixed by law, despite the financial needs of the penitentiary.

Local influences, long recognized as a potential factor in prison management, have been permitted, if not directly encouraged to prevail to an undue extent, a notable instance of which is found in an order of the Commission that the Rusk penitentiary should be built up and given similar consideration to Huntsville, and that apparently without reference to the best interests or needs of the penitentiary system.

Reduction in the number of employes should have been made, illustrating which, although the number of trustees has been largely increased, there has been no decrease in the number of guards employed. Also, there should be a reduction in the number of convicts assigned to wait on system employes and convict forces in and about the various departments of the system, and these surplus men should have been employed in productive labor. In various instances better men might have been employed, and the services of others not in harmony with the general spirit of the present law should have been dispensed with, which would have operated to the finan-

cial advantage and the better discipline of the system.

While the farms have been equipped with mules of good quality, animals representing an investment of one-third less than the amount actually expended, would be equally, if not more, serviceable to prison system work. Most of these mules appear to have been bought on credit and the prices of \$225 to \$275 reflect an expenditure far above reasonable requirements, as well as those conditions which usually prevail in credit transactions. On this single item of purchase of mules, it is the judgment of the committee that approximately \$40,000 might have been saved to the prison system.

The building and remodeling of houses for employes both at Huntsville and Rusk, some of which were not required by the statutes, and the furnishing of such residences appear to have been more liberal than a due regard for the financial condition of the system would justify; approximately \$35,000 having been expended on residences and furnishings at Huntsville in 1911. Residences were furnished a number of employes without authority of the law, rent free, until about January 1, 1913, and the rents now collected are not commensurate with the cost of such buildings.

In view of its location, the limited acreage of cane land, and the known unfavorable conditions surrounding the making of sugar, the expenditures on the Clemens sugar mill amounting in the two years, 1911-12, to \$75,000, can only be characterized as an inexcusable error of judgment and an unjustifiable expenditure of public funds. Lack of proper attention to important details of management has been responsible for the failure of the Commission to practice many economies, one illustration of which is found in the delay in constructing a cotton gin on the Ramsey farm in 1911, or provisions for moving the crop to a gin, with a consequent loss estimated to be \$18,000, as shown by the testimony, to which reference is made; and another in the continued operation of an expensive power plant at Rusk, after the last fire, to run a box factory and furnish light for the city of Rusk, both at a material loss to the prison system approximating \$150 a month.

The testimony of the manager of the Rusk Box Factory, to which reference is here made, shows the entire output of the factory is being marketed in Cuba at a price 15 to 20 per cent below that secured by other manufacturers from the Texas trade. This action was

taken because of the protest made by a few box makers who objected to prison competition. Such a policy in the judgment of the committee is not only without justification from any point of view, but experience in the management of prison factories should serve to indicate the certainty that this box factory is being conducted at a continuous loss for this reason. Financial independence can not be expected from any penitentiary enterprise conducted in accordance with such a policy.

Such errors of management contributing to the expense of operation of the prison system, to which attention is hereby directed, cover practically the whole range of activities of the system and the aggregate of such losses and unjustifiable expenditures enters in a material degree into the present financial conditions.

Attention is directed to the extraordinary circumstances in connection with the lease and operation of the fourteen hundred acres known as the Ransome tract, situated adjoining the Harlem State farm. This tract is practically all in cultivation and under lease to the State for a period of three years, with privileges of extension for an additional five years, on terms of one-fourth of the crop. Upon this leased land the Prison Commission has expended between eighteen and twenty thousand dollars, in permanent improvements. The State holds an option to purchase this land at a price of fifty dollars per acre, said option having been provided for in the contract of lease. No doubt the improvements, including a prison building, repairs to residences, ditching, road building, etc., were made based upon expectation to purchase. The testimony of the farm commissioners is to the effect that these improvements were made upon an agreement that the owner would pay one-fourth the cost of same, and the prison system three-fourths, or, upon the termination of the lease, and in the event the State did not purchase the land, the owner would pay for the improvements at 50 per cent of cost.

An examination of the contract of lease, and the correspondence between the Prison Commissioners and the owner of this property fails to disclose any agreement between the contracting parties whereby the State is protected for any reimbursement whatever for these improvements should the Prison Commission fail to purchase under the terms of the option.

However, this committee emphatically



disapproves of the expenditures of the State's money upon private property and insists that permanent improvements be confined to lands to which the State has title. Furthermore, we emphatically urge that in all future transactions involving the purchase or lease of lands that the State deal with the owner direct.

The Eighteenth Legislature (Section 4, Chapter 114), declared it to be "the duty of the Penitentiary Board to confine all convicts within the walls of the penitentiary as soon as suitable prisons can be provided for their confinement and employment in such manner that they will be self-supporting;" and further, "that the Penitentiary Board may at any time, if they deem it advisable, purchase a penitentiary farm or farms upon which all convicts, not self-supporting, may be worked by the State."

Since this declaration of the Legislature, there has been expended by the State under share farm and lease contracts, sufficient money and labor if judiciously directed, to have secured for the State in the days when land was cheap, ample property for the system and to have improved such properties with all necessary substantial buildings. Yet after all this time the State is continuing the policy of paying large sums of money to private parties in rents, while using the prison labor in enhancing the value of such privately owned lands.

Note.—This committee has received, on July 19, after the formulation of its report, a report made by Auditor John M. Moore to Your Excellency, and transmitted by you to the committee, giving the findings of Auditor Moore in his investigation concerning the transactions for the lease, with option to purchase, of the R. F. Ransome tract of land; but at this late date the committee is unable to enter into any investigation of the facts and can only embody the report in the records and direct attention thereto.

#### Inventory.

The audit of F. J. Huey, January 20, 1911, presents the inventory as also an appraisal of the penitentiary properties at the time the present Prison Commission assumed control of the system, the inventory and appraisal being an agreed one between the retiring board and the Prison Commission. This inventory indicates a valuation of prison properties amounting to \$3,445,000.32, to which must be added the operating and inventory of \$395,662.66, or a total of \$3,840,662.98.

It was not contemplated that the committee would undertake to inventory and appraise the prison system properties, nevertheless, we have visited all of the properties of the system with the exception of certain small tracts of land in Cherokee county, and find the system to be possessed of the following property. The valuations of the different items contained herein are book values of December 31, 1912, and may be found in the special audit of the prison system of that date.

Book value Dec. 31, 1912.

Buildings at Huntsville, including furniture, power plant and laundry.....	\$ 389,970 19
Real estate, Huntsville, including properties on which main buildings are erected and 100 acres near town .....	37,400 00
Seven residences at Huntsville .....	45,262 25
Live stock, Huntsville...	4,264 10
Blacksmith shop and wagon factory machinery and equipment .....	58,031 05
Shoe shop machinery and equipment .....	3,130 00
Tailor shop machinery and equipment .....	2,026 83
Cabinet shop machinery and equipment .....	3,569 38
Rusk penitentiary property (this includes 4200 acres land in Cherokee county) .....	493,870 85
Rusk penitentiary box factory, installed 1912.....	30,567 99
Rusk penitentiary live stock .....	5,371 80
Clemens farm property, 8212 acres (this inventory includes Clemens sugar mill, gin and saw-mill, four sets camp buildings, 7½ miles railway from sugar mill to Brazoria, and about 8 miles standard gauge tram railroad through the farm) .....	771,267 52
Clemens farm live stock...	41,070 20
Harlem farm property, 3740 acres (this includes Harlem sugar and syrup mill, two camps, and includes the camp on the Ransome leased farm adjoining; a new dairy building. 3 miles standard gauge railway connecting sugar mill with Southern Pacific Rail-	

way, and 15 miles narrow gauge tram railway through the farm).....	508,584 42
Harlem farm live stock...	46,108 73
Imperial farm property 5235 acres (this includes three complete sets camp buildings) .....	316,572 30
Imperial farm live stock..	46,515 85
Ramsey farm property, 7762 acres (this includes four complete camp buildings, sawmill and gin) .....	437,565 08
Ramsey farm live stock..	44,320 84
Wynne farm property, 2000 acres (this includes besides complete main camp buildings, hospital building for consumptives and building for the incurables) .....	28,678 93
Wynne farm live stock....	2,137 15
Goree farm property, 1000 acres (this includes one set camp buildings with separate house for white women convicts) .....	22,255 80
Goree farm live stock.....	2,018 34
Texas State Railroad.....	527,382 64

**\$3,876,161 49**

To this is to be added the operating and equipment inventory on December 31, 1912, of.....	481,617 18
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**\$4,357,778 67**

This shows a difference in the inventory of 1911 and the book values of January 1, 1913, of.....	\$ 517,115 69
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The losses by fire necessarily reduced the property values in the sum of the loss actually sustained; the loss has been estimated to be.....	\$ 286,802 95
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Values have been added to the acreage in the different farms, presumably based on the amounts invested in improvements on the land. Taking the Ramsey farm as an illustration, this farm was purchased in 1907 at a price of \$13.75 and appraised in the audit of January 20, 1911, at \$36.06. Distributing among the different farms the total of the investments claimed to have been made in clearing land and ditching, the actual sums that may be added to the value of the acreage on each farm would be as follows: Clemens farm, \$4.02 per acre; Harlem farm, \$9.05; Imperial farm, \$5.97, and Ramsey farm, \$7.73.

### State Railroads.

As the history of State ownership of railroads has been identified with the penitentiary system in the past, the committee deems it proper to review the record of the construction and operation of these properties.

In the years from 1894 to 1896, 4.73 miles of railroad were built from the Rusk penitentiary to lands owned by the State lying between Rusk and Palestine. Later, additional trackage was added until by 1907 seven additional miles of road had been built. This road was constructed with convict labor and is estimated to have cost approximately \$43,431.20, the labor being charged at 50 cents per day. The loss from operations is not ascertainable, though it is shown by the records that expenditures from 1907 to 1908 exceeded receipts in the sum of \$11,281.75. During the years 1907, 1908 and 1909 the line was extended into Palestine, making a line 31.5 miles long, the total cost of which aggregated \$530,382.64. Since the completion of the road to Palestine the loss from operations would approximate \$45,000. There is no means of determining to any degree of certainty the cost of repairs on the road from the time the first mileage was constructed; but it is estimated that the sum of \$250,000 will be required to put the track in good condition and to construct substantial bridges. The testimony adduced in the hearing of the committee indicates that the road is now being operated at an average loss of \$800 per month. The valuation placed upon the property by the Railroad Commission is \$577,899.13.

The committee further instituted inquiries into the possible development of traffic along the route of the road and must say that there seems little encouragement for expecting a material increase in the volume of business that could be developed, certainly within a very long time. The Thirty-first Legislature authorized the sale of the road at a price not less than the valuation placed upon the property by the Railroad Commission, but there has been no time when there seemed the remotest prospect of making a sale at these figures. Inasmuch as the Regular Session of the Thirty-third Legislature removed the management of the Rusk Railroad from under the control of the Prison Commission, the committee is confining its statements concerning the property to the amount it has cost the State while under penitentiary control; fur-

nishing one more illustration of the profligate expenditure of public funds on experimental propositions made without regard to business or financial consideration.

#### The Ramsey Railway.

When the prison management bought the Ramsey farm in Brazoria county, a condition of the purchase was that the parties owning the land were to build seven miles of standard gauge railroad from the Ramsey farm to Archer, a station on the International & Great Northern Railroad; or, failing to do this within a specified time, to forfeit the sum of \$15,000 to the prison system. The \$15,000 was forfeited, and the State built the seven miles of railroad at a cost estimated by Judge W. H. Gill, Chairman of the Prison Board, during the year in which the road was constructed, of \$48,000, using convict labor, which did not include the cost of such labor, or a total cost to the system approximating \$72,000. This road was sold September 4, 1909, including the right of way, which did not enter into the cost estimated by Judge Gill, at a price of \$32,500. A valuation of this property placed upon it by the engineer of the Railroad Commission indicates its probable value at the time of sale to have been \$76,294.25.

This road was built for the purpose of moving the cane crop from the Ramsey State farm to the sugar mill on the Clemens farm by a reasonably direct route. Under the terms of sale, the purchasers were allowed to discontinue the operation of the railroad upon the completion of a northern railway connection with the Ramsey farm, and when such connection was completed the operation of the line from Ramsey southward to Anchor was discontinued, thus again making it unprofitable, and practically impossible, to grind the Ramsey farm cane at the Clemens mill.

There can be no doubt that one of the moving considerations for the purchase of the Ramsey farm by the State at the price specified in the contract was the agreement of the then owners of the farm to construct, or have constructed, a standard gauge railway from Ramsey to Anchor. The stipulations in the said contract of sale relieving the vendors from the obligation of building this railroad for the nominal sum of \$15,000 was insufficient to protect the State in its rightful expectation, of having the road constructed. as results proved, the State being compelled to build the road.

The stipulation in this contract of sale providing for the release of the vendors from the obligation to construct said railway upon forfeiture to the State of the sum of \$15,000, and of which the vendors availed themselves, should not have been agreed to by those whose duty it was to protect the State. As might have been foreseen, the forfeiture of this sum relieved the vendors, while imposing upon the State the burden of the cost of construction of said road, amounting to approximately \$72,000. As above stated, this railroad was sold for \$32,500 shortly after its construction, involving a loss of \$39,500 in addition to defeating the very purpose of its construction. The testimony of Mr. Bassett Blakely, to which reference is made, and the recorded instrument, show that possession of this property was secured by the State's vendor in 1906 at \$5.00 per acre and sold to the State in 1908 at \$13.75 per acre.

This transaction illustrates the long continued neglect manifest throughout the whole history of the prison system of the agents of the State in properly safeguarding the permanent interests of the system, and indicates with convincing force the lack of any stable managerial policy in the conduct of penitentiary affairs.

The experience of the State in the construction and operation of railroads presents a continuous record of financial disaster.

#### General Policy—Recommendations.

The committee views the establishment of penitentiaries as an act of organized society to protect its members. Every act in connection with the control of the persons sentenced to confinement in the penitentiary is dictated and justified only by the necessity of society protecting the integrity of its institutions and social and moral standards. Restraint of liberty, without effort to work reformation of conduct and development of character, is the expedient of primitive people, and is not indicative of principles founded in an enlightened Christian civilization.

It follows, therefore, that those removed from the body of society for the common good and restrained of their liberty, become a charge upon society as a whole. The employment of these persons in productive labor is really incidental to the purpose to teach them the necessity for their own, as well as the common good, of upholding social

order. To occupy the minds and hands of men in useful work is practical humanitarianism and essential to secure the best results in the exercise of reformatory influences.

The Texas penitentiary, with its four thousand inmates, represents under its present organization, a fixed charge upon the public. It is not probable that if the prison system is administered upon the basis necessary to, and promising the best results for society, it will ever be financially dependent in all its branches or units. The task confronting the State is to establish conditions which will serve the well-being of society to the maximum, while reducing the burden of maintenance of the penitentiary to the minimum.

We believe the spirit of our criminal statutes to be that persons violating the rules of organized society should be restrained of their liberty: (1) to maintain the security of life and property; (2) to deter others from like wrongful conduct; and (3) to teach such willful disturbers of public order the error of their acts and thus lead the way to moral reformation. This is in accord with the expression contained in Article 2 of the Penal Code of Texas, which declares: "The object of punishment is to punish crime and reform the offender."

We believe the Criminal Statutes should be revised, to the end that a greater degree of uniformity shall result in convictions for similar offenses, it being our judgment that a prolific source of discontent among convicts is the absurd and often outrageous inequalities in sentences imposed for like infractions of the law. We would further urge such revision in the Criminal Statutes to the end that all persons guilty of offenses against the law, whose correction and reformation may be achieved by methods less drastic and humiliating should not be sentenced to confinement in the penitentiary. To that end we would earnestly recommend that youths under the age of twenty-one, mentally and morally capable of receiving proper educational training, should not be sentenced to the penitentiary, but committed to a reformatory; and that youths of the same age be segregated from older convicts.

We believe the State owes to the persons convicted of crime and sentenced to the penitentiary the humane treatment of wholesome food, comfortable clothing and shelter, healthful surroundings and moral instructions.

We believe the spirit and the letter of the law, as well as the just attitude of

the public towards those sentenced to prison, to be that the State has the right to demand that the labor of the convict shall be given honestly and willingly together with the exercise of such measure of intelligence as he may possess.

The State, as the representative of organized society, owes to society as a means of protecting its integrity, the further duty of employing all practicable and available methods for the moral reformation of those convicted of violations of the rules of established government; and in those cases in which there seems reasonable hope for good results, we believe the State will be performing a valuable service to society by providing means for teaching to its convicts such ordinary useful occupations as are likely to furnish employment to the men after their release from prison.

We believe the State should adopt a general fixed policy in the conduct of its prison system to such extent as may be feasible. If it be determined advisable to employ a certain class of convicts in manufacturing industries, those industries should be carefully selected and adequate provision made for carrying them out upon the most advantageous plans, and a business-like system of marketing the products established. It should be determined to what extent the State will engage in farming and the necessary provisions should be made for conducting such operations upon the most profitable lines.

The committee has given careful attention to both the manufacturing and the farming operations of the system in the past, and although the industrial enterprises heretofore undertaken have proven unsuccessful, and years of experimental work and considerable expense may be necessary to determine what class of manufactories are best suited to the requirements of the system as affording useful instruction and financial independence, the fact that indoor work affords better opportunities for the exercise of reformatory influences, has led us to the conclusion that the best results in the operation of the prison system will be secured from the adoption of a definite policy looking to the employment eventually of the greater part of the white convicts in manufacturing enterprises.

At this time there are approximately four thousand convicts, between 65 and 70 per cent of whom are negroes and Mexicans. The limited capacity of these races to acquire technical knowledge, and the extreme improbability that they



would, or could to any appreciable extent, make use of such knowledge after release as well as their general adaptability to farm work, indicate the advisability of the adoption of a policy that will provide for employing the negro and Mexican convicts on farms and in work connected with farm operations.

We would make a distinction in the manufacturing industries between those that may, for special reasons, be considered essential, without regard to the fact that a small loss may result from their operations, and those that may be carried on as a matter of policy. As a result of our investigation, we would recommend as essential manufacturing industries: A tailor shop; a shoe shop, also making harness for the system, and a blacksmith shop and wagon factory.

In the case of the tailor shop, the demand for clothing is so constant and varied as to quantities and kind, and labor that could scarcely be used to advantage otherwise, can be utilized in a tailor shop, that this factory is deemed a necessary one.

While it seems reasonably certain shoes can always be bought at lower prices than the prison system can make them, we believe it advisable to continue their manufacture for the convicts. The prison system might also undertake the manufacture of some grades of shoes required by the various State institutions, but the quantity should not be large as the equipment required to enable the system to make all the shoes used by the State institutions would be too great to justify its purchase, and there would seem to be small prospect of success in having the system enter upon the manufacture of these articles as a commercial enterprise.

The blacksmith shop and wagon factory is an essential adjunct to the prison farm, instructive to the men and capable of serving a useful purpose to the prison system.

Among the classes of industries that might be conducted as a matter of policy would be the manufacturing of furniture which has been carried on in different ways and with varying degrees of success in the prison system for many years. A furniture factory may be made to save the purchase of necessary furniture for the prison system, and there would seem to be no valid reason why the convicts cannot make much of the furniture required by the State institutions, colleges and schools; and if it is desired to increase the number of men occupied in indoor work the manufacture

of certain staple lines of furniture offers a reasonable assurance of providing a profitable undertaking.

In the factory reports submitted herewith the suggestions for increasing the output of various industries now carried on at Huntsville with comparatively small additional investments, and we have reason to believe from our inquiries that such extensions would lessen cost of production and increase the chances of profitable operation.

In every manufacturing enterprise undertaken by the prison management a thorough and uniform system of accounting, embracing cost of raw material, labor, supervision, general system expense, and overhead charges of every kind, must be installed and carefully maintained before it can be determined whether or not such enterprises are being operated at a profit. And we would further impress the fact that it is only by the inauguration of an intelligent business policy, continuously and uninterruptedly adhered to that any manufacturing industry can hope to sustain itself.

The labor entering into a manufactured article is often so essential a part of the finished product, demanding not only conscientious attention to detail, economy in use of materials, diligence in application of time, but also pride in the achievement of skillful handiwork, that we feel impelled to counsel extreme conservatism in the selection of factory undertakings, to the end that needless loss may be averted in this department of prison operation.

Nevertheless, the employment of convicts within the walls in various manufacturing enterprises offering better opportunities for reformation work, providing useful technical knowledge after release, and assuring greater intelligence and skill in workmanship, suggests the advisability of the employment, as an established policy, of as many convicts in industrial occupations as may be found practicable.

Before engaging in enterprises of like character with the iron industry, foundry and machine shops, furniture manufacturing, etc., certain to involve expenditure of large capital, it should be remembered that the State, even though it be in control of its convict labor, faces a problem entirely different from that confronting private capital. Such industries as a rule are very expensive to install. Furthermore they are expensive to operate, and dependent for success upon whether or not the men who labor have been trained along the lines of work

assigned them. Private enterprises have the privilege of selecting their men from the industrial world, while the State must employ the labor of such men as the criminal courts provide, and, of necessity, without any consideration whatever for special fitness or adaptability, for the work required. No wise business policy could favor the opening of the gates of a great industry requiring technical skill under the circumstances compelling the employment of such labor as may drift in, without being carefully selected. Such policy is doomed to failure in advance, as success would be impossible in competition with industries of like character employing skilled labor. Prisoners are like other men. They have to learn, and it is folly to expect expert labor from them before serving their apprenticeships. Again, when demand for products of private industries is limited, the number of employes and cost of operation may be reduced, while in a State penal system, the men must be retained regardless of limitations of market. The idea that convict labor is cheap labor will not stand the test of analysis, even under wise business direction, and the history of our prison system, from beginning to end, shows a lamentable disregard of business calculations and methods, the natural sequence of which could only be expressed in heavy loss of public revenue.

In this respect Texas is not unlike other States. It is true of the State, as of the Nation, that partisans are rewarded with positions of trust and responsibility oftentimes without due consideration for qualifications. It is hardly to be expected that men elected to responsible offices would retain in office, heads of departments, politically, or otherwise, unfriendly to them, and this obtains with equal force among appointees. It is a trait of human nature that should be guarded against and which is responsible for the introduction of the doctrine of the civil service, the very purpose and necessity for which is to safeguard the State from incompetent service resulting from appointments made for reasons other than those of merit.

In view of the fact that the State now owns 8,975 acres of land in Fort Bend county, and 15,974 acres in Brazoria county; that these lands are as fertile as may be found in Texas, and are reasonably near together; and that this section of the State is particularly well adapted to the cultivation of a variety of crops, the average rainfall being as heavy as in any part of the State, assur-

ing a reasonable annual yield; and that this portion of the State is universally conceded as most favorable to the best results in the employment of colored labor, we recommend that it be the policy of the prison system to work its negro and Mexican convicts on farms owned by the system, concentrating such farms to the extent found possible. The Wynne and the Goree farms near Huntsville, in Walker county, may be made to serve useful purposes as long as the headquarters of the penitentiary are maintained at Huntsville, as dairying, gardening and stock farms, materially reducing the cost of maintenance of the men confined within the walls. And, it may be that one or both of these farms can be utilized longer for certain classes of convicts who can not be employed to advantage in connection with the main department of the prison system. The Wynne farm is well equipped for the care of those convicts suffering from chronic and incurable ailments, the cripples and others unable to perform much useful labor.

We believe that unless the next few years witness a considerable increase in the number of colored convicts, the bringing into cultivation of new land at the Ramsey farm, the acquisition of lands so situated as to better concentrate the State's farming interests, together with general improvements in agricultural methods, the prison system might dispose of the Clemens farm in pursuance of a policy of concentration of management. If it be decided to do this, however, it should be held until such time as practically all of the lands are cleared and made salable at higher prices. Then it could be placed on the market in small tracts to farmers on easy terms of payment, realizing for the prison system a handsome price.

Whether or not the suggestions of the committee regarding the complete separation of the races be approved, the committee would suggest the advisability of having one camp on one of the farms conveniently located to railroad facilities equipped to receive the negro and Mexican convicts, from which point they may be distributed to the different camps on the farms. And if the suggestions of the committee respecting the early concentration of farm holdings be followed all discharges should likewise be made from this camp. When a man is convicted who is to be employed in farm work he should be sent direct to this receiving camp for the farms of the prison system. The sums saved in unnecessary transportation of convicts would

in a very short time repay not only all cost of equipping the receiving bureau, would in the course of time materially aid in paying the cost of constructing a fireproof building at such receiving camp.

The committee feels strongly the importance of improvements in the farm methods of the prison system. It appears that too much consideration has been given to the acreage to be cultivated, and not enough attention to the possibility of the increase in acreage yield. Likewise, the judgment displayed in the character, division, rotation, care and disposition of crops is open to criticism. A single illustration of this may be seen in the planting of Irish potatoes, a crop very expensive to plant, requiring considerable care in cultivation, and the exercise of judgment in marketing. The efforts of the State prison system in the production of this crop have been decidedly unprofitable, due in part, apparently, to lack of proper methods of cultivation and judicious marketing. Under all the circumstances attending the cultivation and selling of prison farm products, the wise policy would be to confine the State's operations to such crops as are not perishable and have a steady demand at fairly uniform prices.

In the penitentiary management the cost of supervision and fixed overhead expenses is a problem of the gravest concern, and enters in an important degree into every detail of the operations of the system. Every activity of the system, therefore, must institute and carefully maintain such economies as are practicable, and we are convinced that there are many such ways of saving in connection with the prison farms. These may be found in judicious crop rotation, provisions for the maintenance of soil fertility, the manufacture of farm products, and arrangements for working men under conditions favorable to a reduction of expense for guard hire and general supervision. We recommend the establishment of a cotton seed mill to crush the seed grown on the farms, thus realizing the greatest value for this product. All of the standard varieties of vegetables most used for canning purposes may be grown abundantly on the farms and a cannery should be established which could easily provide for the requirements of the prison system, materially reducing the expenditures for high priced food; and the various State institutions might also be supplied with these articles. The cost of maintaining the work stock is now much too high, and this can be materially lowered with

advantage to the stock by the construction of a mixed feed plant on one of the farms, and the erection of silos upon all of them to utilize the large forage waste on the farms.

While it is impracticable for the prison system to engage to any considerable extent in the growing of live stock because of the acreage required, we believe the plan now undertaken of growing well-bred dairy cows for the use of the system a worthy one, and in time may be developed to the point of the maintenance of creameries upon profitable conditions.

The growing of hogs upon the farms should be profitable. Each camp should easily care for approximately one hundred hogs at a time with comparatively small cost.

Cotton, sugar cane and Irish potatoes are the money crops now relied upon. The corn is ordinarily inadequate to meet the demands of the system for feeding.

The yield of neither of the money crops in the recent past is sufficient to justify expectation of profit from their cultivation, but with the employment of proper administrative and cultural methods, we can see no reason why satisfactory conditions may not be developed and as good results achieved in the farming operations of the prison system as prevail in agricultural pursuits elsewhere in the South. With the ability to command the best talent in farm management and administrative methods, the Texas prison system should not be long in taking the lead in the State in demonstrating plans for the conservation and utilization of our agricultural resources and the value of intensified farming.

#### Sugar Cane.

The growing of sugar cane has been the subject of much discussion, and the committee made an extended inquiry into the subject. Our inquiries developed the fact that comparatively little cane is being grown in South Texas now, aside from that grown on the prison farms. The great burden of testimony secured by the committee was that, while cane might be grown and other mills has been unprofitable and growing of cane alone and its sale to other mills has been unprofitable and must continue to be until such time as better cultural methods result in higher average yields. Likewise, the burden of information justified the belief that the



State cannot hope to manufacture the cane into sugar at a profit. The principal cause for losses in cane cultivation is found in the lessened yields. The yield, for example, on the Harlem farm for ten years, from 1901 to 1910, shows the lowest average yield of any farm in the system, having been twelve tons per acre, the yield varying from 14.33 tons to 6.38 tons. This is only from one-half to one-third former average yields. Cane is a heavy feeder, and unless some plan of fertilization is used soon reduces the natural fertility of the strongest soil, resulting in unprofitable yields. Cane requires a great amount of moisture, and without irrigation the stubble will not uniformly furnish a satisfactory stand for more than two years; whereas, it has been the mistaken practice to depend upon some stubble for three and four seasons.

As a result of its inquiry into the culture of sugar cane, the committee recommends that the acreage of cane on the penitentiary farms be reduced to the minimum required to furnish syrup necessary for the system, and the cultivation of the crop be placed practically on an experimental basis. If investigation proves irrigation practicable, we have every confidence cane may be produced profitably, the testimony indicating that irrigation will usually double and sometimes treble the yield and mature the crop earlier, while not materially affecting the sugar content. Either with or without irrigation, we recommend the employment of some plan of fertilization every year, and the replanting of a crop every three years. With irrigation, commercial fertilizers are available, but without irrigation there is danger in dry seasons of injury to the crop, and some plan of renewing the fertility of the land, such as growing peas alongside the cane drill, must be followed. The entire product should be made into syrup. Should these experiments in cultural methods justify, the acreage could be increased and the cane made into syrup and packed into cans and other packages in such manner as to assure the highest market price for the product. For reasons of expediency, it may be found desirable to continue growing such acreage of cane as will meet existing requirements.

The cultivation of cane and its manufacture into sugar in South Texas has been for a long time a recognized industry. Sometimes profitable, but more often we believe unprofitable, and since

the passage of the present penitentiary law and the discontinuance of the convict lease system making it difficult and frequently impossible to command necessary labor to gather and move a crop promptly, the industry has gradually languished, until today it is practically abandoned by all save the State. A comparatively few farmers grow a limited acreage to make syrup. The investment originally in 1912 of \$268,500 in the Clemens farm sugar mill was made at a time when it was generally believed the manufacture of sugar offered the greatest profits of all our agricultural crops. In this sentiment, almost universal at the time, may be found excuse for the grievous error made in the erection of so large and costly a plant, and particularly so far removed from transportation facilities at the time, and in a place so inaccessible to any considerable body of land suitable for the growth of sugar cane. The most experienced cane growers interviewed by the committee agreed that there is not exceeding seventeen hundred acres of land on the Clemens State farm adapted to the growing of cane. Since this mill has been built, various sums of money have been spent in its repair, \$72,000 having been expended in 1912, and, with increased equipment, the mill today represents a cost to the State, directly and indirectly, of perhaps not less than a half million dollars.

Incidental to the Clemens sugar mill, and representing an expenditure that would not have been made but for the erection of the mill, is the construction of seven and one-half miles of railroad from the sugar mill on the farm to Brazoria, and the construction of seven miles of railway around the farm. This is all standard gauge track and represents a large and needless investment from which the prison system will never realize any material part of its cost.

The large Clemens mill is equipped exclusively for the making of sugar, being one of the largest and most modernly equipped plants of its kind in Texas. As it would require additional investment to equip it to make syrup, it would probably be best to enlarge the capacity of the mill at Harlem, a 400-ton mill, equipped for making syrup, as also sugar, which could be utilized to work up the cane crop. If sale could be found for the mill at Clemens, we would recommend its disposal upon any terms that would return to the prison system a reasonable proportion of its

cost. In our judgment, the continued attempt to manufacture sugar invites certain loss.

#### Fireproof Buildings.

A provision of the present law worthy of the attention of the Legislature is that stipulating for the erection of fireproof buildings upon the farms. The Prison Commission, deeming the cost of such structures prohibitive, have erected wooden buildings. Our inquiry developed the fact that no investigation was made by the Commission as to the difference in the cost of constructing reasonably fireproof buildings and wooden buildings, nor has the committee itself had time to institute such inquiries. We are of the opinion, however, that in view of the known fact that brick of good quality may be made from the soil on different State farms; that wood not valuable for other purposes might be utilized in the burning of the brick, and that the brick may be made with convict labor, the difference between the cost of fireproof and wooden buildings should not be great; and that if it be determined the policy of the State to retain these farms upon which to employ the labor of its convicts, the fireproof buildings should be constructed as rapidly as may be done with prison labor and consistent with good business judgment.

#### Organization and Management.

It is the judgment of the committee that radical changes in both the organization and management of the prison system are essential to the operation of the system upon a basis promising financial independence. The maintenance of two prisons, at Rusk and at Huntsville, imposes a financial burden that has no possible compensating advantages, and compels a division of managerial duties militating against the efficiency of the system. Both institutions occupy signally unfortunate locations for the purposes they must serve. We strongly recommend that the Rusk penitentiary be discontinued as soon as practicable, and that the machinery and other movable property of value be transferred to Huntsville. The tremendous losses sustained in operating the Rusk penitentiary during all the years since its establishment, furnishes unassailable justification for this recommendation. It may be the Rusk prison building will prove available for some of the institutions of the State, but the condition of the buildings since the losses last sustained

by fire within the walls, render the property of comparatively small value. If the buildings can be found serviceable to a degree that would recommend their adaptation to other uses, the lands held in that vicinity might be found serviceable, otherwise they should be disposed of.

#### Changes in Locations.

We recommend that the Prison Commission be authorized and directed to select, with the approval of the Governor, a new location as central as may be found practicable for the headquarters of the penitentiary system, and to acquire in one body or near together such amount of land as may be deemed requisite to provide farm land for the white convicts not employed in manufacturing enterprises, or until such time as it may be found advantageous to work them in the walls. Convict labor should be utilized as far as practicable in constructing headquarters buildings at the new location in such way and to such extent as will make possible the removal of penitentiary headquarters from Huntsville to such new location not later than January 1, 1920. The determining reasons for the recommendation of a more central location for the headquarters elsewhere than at Huntsville, and farther north than the vicinity of the penitentiary farms are: (1) The demand for the complete separation of the white convicts from the negroes; (2) the desirability of a central location, together with greater accessibility to transportation facilities, and (3) the widespread belief that such location will be more healthful for white convicts, the greater proportion of whom come from counties considerably north of the prison farms; and which feeling shared by the convicts, it is feared, may affect their usefulness to the prison system. Should the recommendation that all young men under twenty-one years be sent to a reformatory be approved, we would suggest the advisability of closing the Gatesville Reformatory and placing all the youths at Rusk, and employing them upon the farm and at such other work as may be found practicable until such time as the penitentiary headquarters shall have been moved from Huntsville, when they can be transferred to Huntsville as being much better equipped for a permanent reformatory and manual and industrial training school.

#### Changes in Law.

The conduct of the prison system upon the humanitarian lines embodied in the

present law is approved by the sentiment of the people, and there should be no action taken which would affect the standard therein established. From a careful study of the operation of the law, however, the committee is convinced that a number of changes must be made before the results expected from its provisions when enacted, may be realized, and before the system can be administered with the greatest advantage to the convicts and with credit to Texas.

We recommend that the Prison Commissioners be appointed by the Governor under the provisions of the law authorizing terms of service for six years, the term of one Commissioner to expire every two years. The salaries and duties of said Commissioners to be fixed by the Legislature, and they required to give their time to the service of the system. Careful study of the operation of the present law providing for a Board of Pardon Advisers leads us to the conclusions that this law should be revised and the duties now discharged by the Pardon Board should be performed by the Prison Commission.

We recommend that there be created the position of general manager of the prison system, such official to be appointed by the Prison Commission, with the approval of the Governor; and to receive such salary as the Legislature may determine, said salary to be not less than \$5000 a year. The general manager should be vested with the execution of the policies outlined by the Commission, conduct general business transactions, and have the execution of the rules governing the control of convicts. The present division of duties among the Commissioners stipulated by the law has unquestionably been productive of confusion and expensive delay in the administration of the affairs of the system, and a hindrance rather than an aid to efficiency of management, and should be eliminated.

The committee is convinced that the only method to be pursued in the financial operations of the prison system, is to be found upon the same basis as those of other departments of the State government. The State should appropriate annually a sum approximating that required for the maintenance of the system. All expenditures should be paid by the State Treasurer not of the penitentiary appropriation on warrant, drawn by the Comptroller, accompanied by vouchers bearing the approval of the auditor of the Prison Commission. All revenues derived from the operations of the prison system should be covered into the State Treasury. The State Treas-

urer should maintain a separate account showing penitentiary expenditures and receipts in order that information concerning the cost of maintaining the institution may be available at all times. It seems to us that any other method must present serious interference with the wise humanitarian intent of the people as expressed in the statutes, and also subject the prison management to the frequent expedient of seeking financial aid and credit for necessary equipment and supplies for operating and maintenance expenses under conditions calculated to increase the cost to the State according to estimates furnished the committee by those best qualified to know, this being anywhere from 5 to 15 per cent.

#### Accounting Department.

Since the first audit of the accounts of the prison system in 1909, considerable improvement has been made in the accounting department of the prison system, but there are many changes and improvements that must still be effected before the accounting system will respond to the magnitude and variety of detail involved in the conduct of penitentiary affairs. The Prison Commission should employ an expert accountant for the specific purpose of reorganizing the accounting methods of the system in their entirety, and inaugurate a system adapted to meet the requirements of detail involved in the operations of the penitentiary.

It is our judgment that the auditor of the prison system should draw and sign voucher checks for expenditures, forwarding such vouchers to the State Comptroller, who should countersign them and forward to the State Treasurer; the Treasurer should enter the voucher number and amount, pay and stamp, and return the original voucher to the Comptroller, who should retain all vouchers on file in his office. By this means unnecessary expense might be obviated in the Comptroller's office.

The prison system needs a more equitable division of the general expenses of the system. The expenditures should be carefully classified to indicate those incurred for maintenance, operation, and general system and overhead expenses. A thorough system of accounting should then be installed, by which the per capita of expense for each of these divisions may be properly ascertained and charged against the several activities of the system.

We believe a competent citizen bookkeeper should be employed on each farm, but convicts can and should be utilized in minor clerical positions.

### Method of Making Purchases.

Much has been said respecting the probable advantages to result from purchases for the prison system being made by the State Purchasing Agent. The committee made some inquiries on the subject, both at Huntsville and Austin, and while convinced that some articles may be bought to distinct advantage by the State Purchasing Agent, the extent of our inquiries would not justify the conclusion that all purchases for the prison system should be so made. There can be no questioning the fact that staple articles bought in large quantities result in securing closer prices, and we would recommend that the services of the State Purchasing Agent be employed wherever investigation and experience show it advisable.

In this connection we would urge upon the officials of the State consideration of the possibilities in increased efficiency of business management and economy of administration by bringing the various departments of the State government into closer business relationship.

### Punishment.

Great stress was laid upon the method of punishment by almost all of those interviewed by the committee. Many of the most experienced managers and guards expressed the belief that the record will show more mutinous conduct has resulted, more disobedience has been manifested, and more punishments have been necessary as a result of the popular agitation of the question, which finally resulted in the complete suspension of the use of the strap, than were required when the rules of the Commission permitted its use. It seems undeniable that although other methods of punishment used may be more severe, the convicts, both white and black, fear the strap more than any other form of correction ever employed in the prison system. And should the committee follow the overwhelming weight of testimony of citizens as well as employes adduced at its hearings, it would unqualifiedly recommend that the order to suspend the use of the strap be revoked. From the time the law became effective on January 20, 1911, to the date on which the Commission formally suspended the use of the strap, March 25, 1912, fifteen months, there were 288 whippings. In 1912 there were 1,476 punishments by placing in the dark cell, and 473 punishments by the chains. And from April 1 to December 31, 1912, there were thirteen mutinous

demonstrations in which a total of 283 men participated.

In this connection it may be of interest to state the records disclose that in 1909 there were 751 punishments by the strap and 68 placed in the dark cell. In 1910 there were 1,045 punishments by strap and 47 by the dark cell, while four mutinies occurred involving 78 men. In 1911, while the strap was used sparingly, as above indicated, the dark cell was resorted to 1,079 times, and the chains, a substitute punishment for the strap, was employed 99 times. Five mutinies occurred that year, participated in by 176 men. These records would indicate that for some reason 1912 was productive of an unusual display of mutinous conduct as also of ordinary infractions of prison rules.

While the committee believes that under the restrictions imposed by the law, the use of the strap is really less cruel than solitary confinement in the dark cell, less degrading than the chains used as a mode of punishment since the suspension of the strap, and that the subject has received more partisan attention from the public than the carefully limited power to use the strap only upon third class men warranted, we recognize quite fully that the sentiment of the public demands the abolition of whipping in the penitentiary; and that to insist upon a retention of the strap in the face of such antagonistic public sentiment would merely mean to invite demoralization among the convicts. Discipline among the men must be maintained, and the prison authorities are confronted with the imperative necessity of determining the methods to be employed in controlling them. Perfect control and obedience to prison rules is as essential to the welfare and possible reformation of the men as it is to the interests of the State in minimizing the expense for their care. More or less unruliness must be expected and provided against, and such system of punishment should be established as will visit just and equal correction according to the degree of the offense against prison regulations.

The committee is firm in the belief that the hope of reward exerts a better disciplinary influence than the fear of punishment; that equality in the imposition of sentence, uniformly fair treatment in the matter of credits on terms of service, together with humane treatment, will secure the best results in the course of time. We would provide liberal credits on time of sentence for good conduct, and heavily penalize vicious con-



duct. We would establish the policy of granting pardons upon the merit basis. Once you give the convict body to know the State punishes every man with equal justice; that the man without influences, friends or money can secure a pardon as quickly as the man of political influence and personal means of wealthy friends, and you will have introduced into the system one of the strongest possible forces leading to discipline, and a spirit of co-operation with the prison management.

It is our opinion that when the Penal Laws of Texas shall have been revised and provisions embodied therein recognizing and making effective the intent and spirit responsible for the passage of measures of the character of indeterminate sentences, such laws, when in full operation and well understood by the convicts, will exert a strong disciplinary influence.

#### Grading Convicts.

Progress has been made by the Commission in the effort to classify the convicts with regard to the provisions of the law on the subject; but it seems that the difficulties of this feature of prison management have been so great as to prevent the degree of advancement along these lines which would serve to indicate the results to be achieved by a carefully devised system of classing and grading the inmates of the penitentiary. The chief defect in the efforts thus far made to enforce rules of classification lies in the absence of equitable increase and decrease in the privileges accorded to convicts in recognition of good conduct, or as a rebuke for disobedience. The method of handling third-class men is also such as to affect, to a material extent, the discipline among the convicts, and to exert a direct adverse influence upon the spirit of the entire convict body. We would suggest that no feature of prison management is more deserving of careful investigation than the classification of the convicts, nor in any line of endeavor in convict control capable of producing more beneficial results in prison discipline. Each convict, when received, should be accompanied by a statement from the trial court disclosing all known facts concerning his criminal record, as also his general reputation. He should then be placed in Class No. 2 and advised that his previous record has been set aside and that he enters the prison on equal terms with every other man and will have an equal opportunity to establish and maintain a

clear record during the period of his sentence. We are led to believe that many men with reasonable encouragement to feel that their previous record will not affect their treatment or their classification, or advancement in the walls, will respond to such expression of confidence, and advance rather than fall. The rules providing for the placing of men in the third class should be drawn with care to meet the various frailties of human nature, and a just appreciation of the conditions surrounding prison service. We believe it often occurs that a man is degraded to the third class when better results might be achieved by giving him further opportunity to conduct himself properly; also that men whose conduct justifies placing them in the third class are sometimes held in that class too long, becoming embittered, and the corrective influence intended results unfavorably to the men and to general discipline. Under no circumstances, in our judgment should those in stripes be worked in connection with men of other classes. The association hardens and embitters the third-class men, while exciting undue sympathy among the men in other classes with whom they are brought in contact.

All third-class men should be segregated; and when their conduct is such that they may be justly classed as incorrigible they should be held within the walls where they may be isolated when deemed best, and where greater efforts at improvement in their conduct may be undertaken.

When men are entitled to enter the first class they should be accorded such reasonable additional privileges as will establish in the minds of the convicts a distinct inducement for endeavoring to secure promotion to this class; and when degraded to the third class there should be an equitable decrease in the privileges accorded.

Numerous suggestions have been advanced respecting plans for rewarding the well behaved convicts who display an honest desire to co-operate with the authorities in the work of the prison system. The committee is reluctant to indulge in theories or to suggest experiments; but, after considerable thought, is constrained to believe it practicable to advance along experimental lines in providing a higher degree of reward for good conduct under prison regulations, to the extent of setting aside one camp on one of the farms to be known as Honor Camp; the Commission to pro-

mote a number of men from each farm to this camp, which should be conducted under the direction of a competent farm manager, and without guards. The committee entertains no illusions and does not doubt that many of those trusted in the manner suggested would prove recreant or weak; nevertheless, if care is exercised in selecting the men the plan should prove a success. A similar policy with reference to men employed in other occupations should be readily advised.

#### Health.

Representations have been made that the men received, in the penitentiary in recent years, are not the equals physically, of the convict body of ten or more years ago, suggested to the committee special inquiry upon this feature of the prison problem as exerting a possible influence on the value of convict labor in the work of the system. Our inquiries lead us to believe that it is true the penitentiary is receiving a larger number of comparative youths incapable in many instances, of as much labor as the more seasoned men of previous years; that a great many of these men come from the cities and seem to be unacquainted with any form of useful labor; and are largely from the ranks of those accustomed to excesses of every character, bringing with them diseases of various kinds. The comparatively few deaths in the penitentiary under these conditions is gratifying, and evidence improvement in sanitary provisions maintained by the Commission. The deaths for the year 1912 were fifty-four.

It is the judgment of the committee, from the best information available, that the treatment of the convicts is more liberal in privileges and more lenient in requirements than ever before, and that the inmates of the penitentiary and those on the farms are better fed and clothed than at any time in the past. The method employed in preparing food on the farms is so liberal as to be really wasteful, and a reasonable degree of economy in this detail would save the prison system considerable expense, without in the least effecting proper care of the men.

#### Guards.

The guard service is an exceedingly perplexing problem. At the present time there are 310 guards in the service, which is an average of one guard to each sixteen convicts, in the two penitentiaries, and one to each thirteen convicts employed on the farm. This repre-

sents a considerable item in the overhead or operating expense of the system, and calls for serious and persistent effort to establish better service. In all the years of the operation of the system reviewed by the committee, there seems to have been no appreciable improvement in the efficiency of the guard force for the work required of them, though there has been an improvement in the moral standards of the men. The great need is for the inauguration of some plan by which the prison system can build up a guard service composed of men possessing tact in the management of convicts, knowledge of the farm work under their direction, and earnestly committed to the duty of accomplishing the best results, both for the prison system and the men in their charge. Such a plan would materially reduce the number of guards necessary, establish working relations between guards and men; and though it might not to any material extent reduce the cost of the guard service as a whole, would produce far greater results in more profitable work, better discipline, and greater advancement toward reformation among the convicts. The committee is disposed to urge a plan recognizing merit service rules, the guard beginning at a minimum salary, and leaving it to the discretion of the Commission to advance the compensation in accordance with a system of regulations governing the service, intended to demonstrate the value of the guard to the work of the prison system and his adaptability to the special character of service required. It is an unfortunate fact that the present method of handling the guard service fails either to attract men of the most desirable character, or to retain them in the event it is fortunate enough to secure such. Improvement in this detail of prison management is one of the essentials to the establishment of that standard of discipline necessary to a business-like administration of prison affairs.

#### Working Hours.

The provisions of the law for working convicts ten hours a day, including the time consumed in going to and coming from place of work, was considered reasonable and just to both the State and to the convicts when the law was enacted. The evident intent was to permit the State to secure approximately ten hours of labor a day from its convicts; owing to the arbitrary terms of the law, however, no discretion is accorded the Prison Commission, and the result is that with

the short days of the winter season the average day's labor performed is far below that intended by the law, less than is performed by free labor, and is practically unresponsive to the requirements of farm work. It has been urged upon the consideration of the committee by farmers of prominence and of long and successful experience in handling labor, that the greater part of the unprofitableness of farming operations of the prison system during the past two years is chargeable to the inability of the State to secure a fair day's work from its men, thus requiring a larger number of men on each farm than formerly for the same acreage, or the same amount of farm duties, increasing very greatly the cost of practically every detail of prison system work.

The committee is convinced of the necessity, as also the justness, of such revision of the law as will make our convict labor responsive to the demands imposed by the proper conduct of the various activities in which the State may find it best to engage, and would recommend that the Prison Commission have authority to adopt a scale of hours varying with the seasons, and the necessity for longer hours of work, in order to meet the emergencies of crop cultivation, keeping an accurate record of the time worked by the convicts, and securing from each convict an average of ten hours of labor a day throughout the year. If the record of any convict shows that he has worked more than an average of ten hours a day, he should be allowed the usual credit for overtime.

In the urgent crop growing months free labor is often worked twelve hours for short periods and it is not unreasonable that the State convicts should respond to the necessities of the prison work.

#### Per Diem.

The provisions of the law authorizing the payment to convicts of ten cents a day, it was thought, would exercise a good disciplinary effect upon the convicts. The terms of the law are that "every prisoner who shall become entitled to a diminution of his term of sentence by good conduct shall receive compensation from the earnings of the State prison to the amount of ten cents a day for the time said prisoner is confined in prison." This phraseology indicated an intent to limit the extension of the per diem payment; but in practice the payment has been extended to all of those entitled to diminution of sentence

and those really not so entitled. Thus, instead of having a salutary effect, the plan may exert a tendency to create dissension, the good men being made to feel their efforts at useful service are no more appreciated than the indolence, carelessness and rebelliousness of some of their fellow convicts. It is a question whether or not this per diem payment ever results in any substantial benefit to at least three-fourths of the prison inmates. After mature consideration of the question, the committee recommends that the paying of ten cents a day or any cash per diem, be discontinued. The one thing men prize more highly than any other is liberty. Therefore, in lieu of the payment of the cash per diem, we suggest the law be amended to permit the convicts to receive a credit of ten cents a day for good conduct, each dollar of such credit to secure for him a diminution of his term of sentence for a period of one day, such credit to be in addition to the credits now provided by law. Each infraction of the rule should be penalized by taking away credit on the term of sentence, as may be deemed equitable.

It seems that under the method pursued in the release of convicts engaged on the different farms at the expiration of their term of service, minor peculations have occurred under the provision of the law authorizing the released men to demand a ticket to any part of the State he may desire. We would recommend that the law be changed to provide that a man may receive a ticket to the place from which he was convicted, or to the nearest railway point thereto, or to a point equally distant from the penitentiary.

#### Conclusion.

The prison system is a great business institution; as also the greatest and most difficult of moral training schools; and it must have the service of men capable of grasping and measuring up to the duties imposed by the gravity of the problems involved, freed from the fear of partisan influences, and independent of public agitation. Satisfactory results, financial or moral, may not be achieved without the services of men of capacity and special aptitude for the work, and the services of such men are not to be measured by the ordinary standards of compensation for public service.

The prison system must have adequately equipped headquarters, with provisions for occupation and calculated to be of future usefulness to the convicts,



and, therefore, protective of the well-being of society; and sufficient lands on which to employ those to whom it would be impracticable to teach an occupation. It is the imperative duty of the State to provide necessary funds with which to achieve these purposes.

The laws must be revised until the convict is brought to know that the State dispenses justice with an even hand, and extends mercy without discrimination. The great majority of convicts soon return to society, and it is quite as important to deal justly with them as convicts as it is to maintain uniformity in the laws governing our free citizenship. Through such a policy are we most likely to appeal to and enlist the sincere co-operation of the convict necessary alike to the financial advantage of the system and to the moral reformation of the man.

The prison system has suffered long and greatly from the demoralizing power of political interference, and neither the financial independence of the system, nor substantial advancement in the moral reformation of the convicts, may be expected until the business considerations in the management of the affairs of the system supersede political influence, and merit supplants favoritism.

Respectfully submitted,  
MAYES, Chairman.  
WILLACY,  
WARREN,

On the part of the Senate.  
HUMPHREY,  
DIFFIE,  
TILLOTSON,

On the part of the House.

#### MINORITY REPORT.

Hon. O. B. Colquitt, Governor,  
Austin, Texas.

Sir: The majority report covers so much ground and represents so much earnest labor of the committee that I signed same, but with the understanding that I be allowed to submit a minority report covering certain matters either omitted, or, in my judgment, not discussed in sufficient detail. I dissent from many of the majority conclusions.

The causes leading to the investigation and appointment of the committee and their method of investigation have been recited.

So far as the record discloses, there has been no dishonesty practiced in the creation of the deficit. There has been serious mismanagement and the system reeks with inefficient service, but there is

no evidence of moral delinquency upon the part of those charged with the control of prison affairs.

The financial troubles of the system date from January 20, 1911, when the new law became effective and the present Commission assumed control. It follows that the deficit is traceable to the new law or the Prison Commission.

The record shows conclusively that the fires and the freezes of which we have heard so much played but a very small part in formation of the deficit, and that the money shortage is not caused either by abolishment of the lease system or by the expenditures for permanent improvements, except in very small part.

As stated elsewhere, the committee did not direct an audit of the prison books. Four audits were placed at their disposal, statements of which are set out in majority report.

The first of these audits, made by the Corporation Audit Co., of Dallas, Texas, for a period of nine years time from August 31, 1900, to August 31, 1909, shows a net profit for the system during that time of \$563,500.40, this not including enhancement in value of property. Of the other three audits the first was presented by Mr. F. J. Huey, certified public accountant, of Houston, Texas, and shows conditions as of date, January 20, 1911. The statement of assets and liabilities shows that, at that time, the system had assets valued at \$4,019,167.21, as against which the total indebtedness was only \$147,158.55, this latter including \$100,000.00 railroad bonds.

On June 27, 1913, the Prison Commission furnished the committee a statement which shows the current indebtedness to have grown to the enormous sum of \$1,786,270.32. As against this are shown current assets aggregating \$332,000.00, \$55,000.00 of which is an increase in the worthless State railroad account, and more than \$118,000.00 is classed as doubtful; in other words, worthless. Meantime the Thirty-second Legislature appropriated \$310,000.00 and donated that sum to keep the system going; the Thirty-third Legislature this year donated \$550,000.00 to keep the system going, of which on June 27, 1913, there remained unexpended only \$206,888.81. Thus upward of \$650,000.00 have been expended out of the general revenue, in addition to prison receipts. The debts are as above indicated. The property account shows an increase to December 31, 1912, of \$441,151.17, and in

my humble judgment, the facts do not warrant such figures.

Thirty months have elapsed since the new law became effective and the present Commissioners were sworn in. A careful analysis of the figures will show that during the thirty months there is a total loss, in round figures, of \$2,400,000.00, in addition to all ordinary prison receipts from sales of crops, etc. The average number of prisoners cared for during that time is less than 4,000. Thus, it has cost the tax payers of the State \$20.00 per month per man to keep up the penitentiary system for thirty months under the new law and the present management. Now, bearing in mind that on January 20, 1911, the Commission took charge of an institution which had rapidly made money, which had in charge 4,000 able-bodied convicts and four million dollars' worth of revenue-bearing property, the mind is staggered to contemplate this enormous deficit. The finding of the cause for this deficit and suggesting means whereby it may be wiped out and recurrence prevented was the task entrusted to the committee.

#### Why Have a Penitentiary?

To the reflective and patriotic mind engaged in a study of this enormous and complicated problem must come the question, "Why have a penitentiary?" and "Why punish men for crime?"

Libraries have been written and will be written in answer to these questions, and discussing the right of organized society thus to protect itself, but we will be content with the arbitrary answer of our criminal law that the object of punishment is, (1) to suppress crime, and (2) to reform the offender. (P. C., Art. 2.)

The right of the organized many to deprive the individual of his liberty for crime must be assumed. Upon it hinge all the government and all the law. But nowhere can justification be found for any law or custom that has not for its end either the prevention of crime or the reformation of the criminal. The thought of vengeance can have no rightful place in the law of a Christian nation. Vengeance is not man's to give nor man's to take. It belongs to a higher power. Not always swift, but always sure and always complete it is executed and delivered under the mandate of a supreme court indeed, a tribunal where technicalities do not count, where criminal lawyers do not practice and where mistakes are never made.

Then, the thought of vengeance re-

moved and the right to punish conceded, all righteous law must bend its whole purpose to the accomplishment of the two things named, and that system will be most nearly perfect which prevents most crime and reforms most offenders. No system has ever been devised, nor can be devised which will result in the absolute prevention of crime, nor has any system been devised, or can be devised, which will reform every criminal, and any statement as to the amount of crime prevented or the percentage of criminals reformed by criminal law must be purely speculative. Yet human intelligence teaches, and human experience demonstrates, that the only safety for organized society in its rights of person and of property lies in its ability to punish criminals.

Further, all experience teaches that certainty of moderate punishment both as a deterrent of potential criminals and as a first step in reformation of convicted offenders is more effective than harsh, severe penalties without certainty of infliction. The criminal mind dreads less the thought of a harsh penalty which is easily evaded than a moderate penalty which is certain to be inflicted.

From this thought may be gleaned a comfort to those who believe that prevention of crime lies in the enforcement of the law; and it is in the policy of our Court of Criminal Appeals that appealed cases shall not be reversed for purely technical reasons. The more rigid enforcement of this policy recently has resulted in an increase of about 500 in our prison population. At least, since January 1, 1912, the number of prisoners has increased about 500, and no other explanation seems more satisfactory when the increased percentage of affirmances is contemplated and the corresponding reduction in the number of reversals. Whether the ultimate result of this policy will be for good or for evil can only be surmised. If it shall result in prevention of murders, or rapes, or burglaries, or other crimes, then shall wisdom be justified of her children, but if it shall result only in an increase in the number of criminal convictions, then our recognized legal theories are wrong and we had best abolish all criminal law. In this connection it may be noted that certain changes in the criminal law were made in 1897, and by the date the changes became effective, in 1898, the number of prisoners began to reduce from 4,530, which was the highest figure ever reached. On April 1, 1913, the number was 4,048.

However, the policy of the law or the courts is only collateral or incident to the main question with which we are concerned, namely, how to find the cause for the deficit, and make the penitentiaries self-sustaining? and can affect it only insofar as a reduction or increase in the number of convicts is involved, leaving personal and property rights amply protected. And in that connection, reference may be had for a moment to the cause, or causes, which most contribute to an increase in the penitentiary population; for it necessarily is true that under present conditions or any normal conditions, the lower the number of convicts, the higher the burden to be carried by the people. What those causes may be in other lands, or at other times, we cannot say. We can only testify as to Texas, in this day and generation. Hereditary predispositions and sociological influences are for the scientist, the penologist and the statistician. We have had no time to compile pedigrees nor measure general averages, but based upon the tables contained in the official reports of the system, combined with the statements of persons who have associated with convicts for years, and conversations with hundreds of convicts themselves, we must conclude that the three principal and underlying causes contributing most to the population in the penitentiary system in Texas are idleness, ignorance and intoxicating liquor. Every scrutiny of the official records will sustain this position to the last analysis. It is a truth that will "bide the wreck of time, and stand 'mid the crash of falling worlds." There's many a road that follows to the penitentiary, but the trail of idleness is the principal thoroughfare,—and it always leads through a saloon, never a school house. From all over the State the army of the illiterate and idle flock to the penitentiary, and every liquor joint is a recruiting station. More than 60 per cent. of the prisoners are entered as having no trade, calling or profession; 50 per cent. are illiterate; 40 per cent. have some of the rudiments of an education; 10 per cent. have good education; 50 per cent. are intemperate, and that means to drink excessively. To make a convict then, try the following: That the ordinary child; raise him in idleness and untaught and he is almost ready. Give him liquor and the thing is done. Idleness, ignorance and alcohol are the three chief causes, and of these alcohol is the principal one within itself, and a necessary assistant to each

of the others. It is most dangerous, because it breeds both the others; with its banishment the deadly influence of both the others would greatly weaken. That it is the principal contributing factor to the penitentiary's population is proven and established by all the records, but the one supremely convincing bit of testimony is that in those counties where the traffic in liquors is forbidden, the number of convicts is reduced to a minimum, and in those counties where the traffic is permitted, the number is increased to a maximum. This statement is sustained in every point by the official figures in every report that has been made of the system. If, here and there, can be found a seeming exception, deeper investigation will show it to be one of the exceptions which prove the rule. The latest report furnished to us covering this subject was dated January 1, 1912. Comparisons may sometimes be invidious, but they are likewise sometimes instructive. This report shows, for instance that Harris county, with a population of 115,693 has 280 prisoners, and Harris county permits the traffic, while 76 northwest Texas counties, all but two of which forbid the traffic and where the population numbers 521,760 have only a total of 202 prisoners. It is useless to try to explain that any other cause than the liquor traffic is responsible. They are all the same kind of people, all Texans. The difference in the density of population will not account for the difference in the number of prisoners, because the cities are policed and the rural communities are not. One of the 76 counties which permits the traffic has 27 prisoners, though it is much smaller in population than many of the others, and no other of the 76 has more than 13 prisoners. These comparisons can be indefinitely continued with the same results. Carefully calculating all the figures and considering all the facts, it seems safe to say that the suppression of the liquor traffic all over the State would reduce the number of convicts from about 4,000 to less than 1,500. Probably a compulsory school attendance law would be beneficial in some localities, but no statistics are available to prove the suggestion. It appears from the records in the Comptroller's office that the total amount received annually from the sale of liquor licenses by the State does not exceed \$1,000,000.00, which is emphatically a mere trifle as compared with the expense resulting from the sale of the licenses. Inasmuch as liquor is a merchandise, the sale of

which can be controlled by law, and the other twain of this unholy trio are in some measure dependent upon it, the problem of dealing with them would appear to be largely a question of the vigilance and intelligence of our people.

Certainly, the most effective way to deal with the penitentiary question is by removing as many of the underlying causes for its existence as can be reached. And the maintenance of the prisoner after conviction is only a part of the expense of maintaining a system of criminal law. The machinery of the courts must be kept going. Officers' salaries must be paid, and witness fees; court houses erected and libraries gathered, and many men employed in its execution who are needed by the community for other work. Uproot the underlying causes, and you reduce the convict expense as well as the court expense.

And if the money expense were all less might be said, but the greatest price cannot be paid in dollars and cents; it is collected in human blood, in tears of women, in groans of men, and in the cries of naked, hungry children. Every convict uniform symbolizes a broken heart, a desolated home. Nothing can it signify of good,—nothing save in hope of preventing other crimes and making the wearer a better man. Why have a penitentiary, and why punish men for crime? But the financial question recurs.

#### Texas Prison Policy.

The general prison policy of this State naturally divides itself into three periods: (1) the past policy under the old law; (2) the present policy under the new law; and, as it is evident, the present policy must be changed or the State bankrupted, (3) the future policy.

Past and present policies are sufficiently discussed elsewhere, no proposed future policy, I assume, will be tolerated which contemplates any abandonment of the humane treatment of prisoners under the new law, and only such changes are to be considered as may promote the financial efficiency of the law and yet leave the prisoners well cared for.

Despite the uncertain methods of account keeping used in the system, it is plain that the only reliable source of profit is the farm owned and operated by the State. Enough expensive experiments have been indulged. The system should, for a time at least, follow such work as is known to be profitable.

The iron industry has always been a loser; the State railroad has cost prac-

tically a million; the manufacturing enterprises have netted only a tremendous loss; the lease and share farms have drank money like the thirsty bed of the Canadian; only State owned farms are safe.

The testimony shows that the State should own from 50,000 to 75,000 acres of fine farming land; it now owns about 25,000 acres, all but 8,000 acres of which are already in cultivation,—the figures referring only to the choice farming land.

Convicts can not be cared for in proper manner on farms which the State does not own, simply because the owners cannot afford to erect the jail buildings in a sanitary way. The State's experience in the Ransom matter, elsewhere detailed, should settle that point.

I dissent from the conclusion of the majority that the lower Brazos is now an unhealthy country. The testimony says otherwise. (Tittle, Brahan, Dr. Bush, Tramwell, House, and others.)

Now, the evidence overwhelmingly shows that the Rusk and Huntsville institutions are sinkholes for money; that formerly the system made money in spite of them, not because of them; that the isolated location of each is a serious handicap from every view-point; that a headquarters should be located elsewhere. If the system is to be consolidated, headquarters should be in the neighborhood of the farms. If the present farms are retained the headquarters should be in their vicinity; if they are sold and others bought, the central prison should be located near them.

Many witnesses testified to the desirability of a central prison. (T. W. House, p. 23; W. H. Gill, p. 1; L. W. Tittle, pp. 6-8; J. A. Herring, p. 16.) There should be only one penitentiary. (B. E. Cabell, p. 22.) "The system should be centralized and located at Columbia on the Brazos." (J. M. Moore, p. 2.) The Rusk penitentiary should be abandoned. (Barton, 10; R. W. Brahan, 13.) One witness said the system should be moved into the cotton country. (J. A. Herring, p. 19.)

#### Convict Discipline.

The biggest single problem is the maintenance of convict discipline. Were the prisoners normal men, the problem would solve itself; their presence proves them not normal men. As a class, on the outside, they refused to submit to authority. Of 3,471 prisoners accounted for January 1, 1912, 962 were convicted of burglary, 764 of murder, 144 of rape,



113 of robbery and 541 of theft. Those figures are given to show the character of the individuals. How to keep them together, make them self-supporting and yet treat them kindly is the real problem. It is as old as civilized government and has been "solved" a thousand times. Penologists have written volumes about it; politicians have shed tears over it; statesmen with patriotism and courage in their hearts have grappled with it, and yet we have it with us.

The most serious trouble with the system now is the lack of convict discipline. (J. M. Moore, prison auditor, p. 7.)

The old law permitted whipping only in aggravated cases, but left much discretion in the hands of employes and some cruelties resulted. The new law provides for whipping but so safeguards it as to prevent abuses; so far as the committee could learn there has been no abuse whatever of the rights of punishment by whipping under the new law. Early in 1912 the Prison Commission published a declaration that the use of the whip would be discontinued. (See minutes of Prison Commission.)

Beyond any doubt, according to the testimony, this step has caused tremendous trouble. The law gives the commission the right to refuse to order a whipping and the proper course would have been to refuse each separate application, if they desired. Instead, public notice was given that the whip would be used no more and in its stead were adopted the dark cell and the chain.

The former of these methods, the testimony says, is of very little value, particularly among the negroes, who regard it with good-natured contempt. (Addison, Weems, Tramwell, Palmer et al.)

The latter method is generally conceded to be more cruel and much less effective than the whip. (Brooks, Mills, South, et al.)

There is much testimony that under the new law very few whippings were necessary, and that the discontinuance of the whip led to riots, mutinies, attacks on guards resulting in loss of life, and similar trouble. (Brooks, Mills, Lewis, et al.)

#### Convict Labor.

It is plain that if the convicts do not work they will not be self-sustaining. The law limiting a day's work on the farm to ten hours is blamed with much trouble, but probably inefficient management, clock-watching guards, and the discontinuance of the whip have entered

into the making of present conditions as well as the ten hour limit.

One witness who has handled convicts since 1874 says they cannot be made self-supporting under present labor limit, without the whip. (W. W. Bertram, p. 9.) The capacity of the prisoners for iron industry work has been cut in half by labor limit and loss of the whip. (W. H. Lewis, p. 4.) On the Clemens farm the prisoners work ten and one-fifth acres of land per man, free labor in same community works 24 acres per man. (Brooks, p. 6; E. B. Mills, p. 7.) On the Imperial farm the convicts work ten hours per day in busy season; free labor in same community works fourteen or fifteen hours. (Addison, p. 3.) Under the former law they worked about twenty acres per man; now twelve or fourteen. (T. W. House, p. 9.)

The testimony is absolutely unanimous that the convicts do not do as much work per man as free laborers engaged in the same kind of work, probably not one-half as much as an average.

Convict labor is not satisfactory for manufacturing purposes at all. (Gill; Herring, et al.)

#### Farm Managers.

Each of the State's four splendid plantations, as well as the two magnificent leased plantations is under immediate charge of a farm manager. This is a good position. It carries a salary of from \$150.00 to \$175.00 per month, house rent, commissary supplies, horses, horse feed and abundant convict service.

Each of these men is competent and well fitted for this work. (J. A. Herring, p. 15.)

T. C. Blakely, manager at Harlem, received his training under the old law, and declared that good work cannot be obtained from convicts under the new law, if they do not want to work, which most of them do not. (T. C. Blakely, p. 3-20-21.)

E. C. Mills, manager at Clemens, is not in sympathy with the new law. Received his training under the old law. (E. B. Mills, p. 10.)

J. N. South, manager at Harlem, says "bat" is convict's best friend; received his training under the old law; criticizes new law freely; says under new law convicts cultivate ten acres per man as against twenty acres per man under old law. (J. N. South, p. 3.)

A. K. Addison, manager at Imperial; K. F. Cunningham, manager at Arcola, and J. H. Weems, manager at Retrieve,

all criticize new law freely, and say good work cannot be gotten under it. Weems did not receive his training under old law. (Weems, p. 1; Cunningham, p. 1-5; Addison, p. 1-9.)

These six farms are located close together and connection between them is easy. If under one manager instead of six, better co-operation and better service could be had, and the system's pay roll would be reduced about ten thousand dollars per year and a similar saving effected in supplies, horse feed, etc.

#### Litigation.

The litigation now pending, to which the system is party, consists of two suits, one in Walker county, the other in Fort Bend county, with the Imperial Sugar Company. These matters are in the courts and outside the jurisdiction of the committee.

#### Religious Services.

Little if any effort appears to have been made to provide religious services or literature for the prisoners. The testimony of the venerable chaplain of the system, Dr. T. H. Hall, is interesting, but too lengthy for reproduction. He says there is an urgent need of Bibles, that many of the convicts can read a little and that many of them beg for Bibles.

#### Wearing of Stripes.

The old law contained no restriction as to wearing of stripes; the new law limits stripes to prisoners of the third class.

The testimony shows that wearing of stripes is not effective as a punishment, and that keeping prisoners in stripes with other prisoners has a demoralizing effect on all prisoners; that segregation of third class prisoners is necessary. (Palmer, Weems, Cunningham, Moore and others.)

#### Guards.

The question of guard service is a most perplexing one. The guards come into immediate touch with the prisoners. With the efficient guards almost any law will succeed; with drunken, worthless guards, no law will succeed. It is frequently necessary to discharge guards for drunkenness and misconduct. (Cunningham, p. 2; South, p. 15.) Using trustees as guards would be a dangerous and unsuccessful experiment. (Herring, p. 13; Tittle, p. 28; Addison, p. 4; Blackley, p. 24, and many others.)

Number of guards could be greatly reduced. (Thomas, p. 20.)

The guards are in sympathy with that part of the new law limiting the hours of work; they watch the clock closely. (House, p. 15.)

#### Bookkeeping.

On this subject the entire testimony of F. J. Huey is very interesting, as also the prison auditor, J. M. Moore.

The books are worthless and do not give the farms justice. (Blakeley, p. 22; Addison, p. 15.) No correct system of cost keeping has ever been devised for the prison industries. (Barton, p. 14.) The method of checking supplies is defective. (Cabell, p. 19.)

#### The Factories.

The testimony of Judge W. H. Gill at Houston throws light on the question of prison manufacturing. He says:

"None of those manufacturing departments has ever been operated except at a loss. The convict can't lose his job, and if he gets sullen and feels he has been treated wrong, just one stroke of a hammer will queer a piece of machinery, and you don't know how or when it will happen. They have not made stuff that appealed to the market, and what they make is not made economically. Yet, some of them have to be kept in the walls, and they should be furnished employment." (W. H. Gill, p. 7.)

No factory at Huntsville or Rusk has ever paid, but some men have to be kept in the walls, and should be employed. (Barton, p. 9.)

These statements are sustained by abundant other testimony.

#### Cotton Growing.

One witness with an extended experience with the prison system says that the system should be moved several hundred miles further north into what he terms the cotton country. (J. A. Herring, p. 11.)

Numerous others testify that if the State can not make money growing cotton in the lower Brazos valley, it can not make money growing cotton anywhere in the world. (House, Trammell, Gill, Eldridge, Pierson, Bertram, and other.)

#### Discharged Convicts.

The records show that about fifteen per cent of the convicts discharged find their way back into prison again. Undoubtedly, when a convict is discharged from prison, he faces a crisis. Without wasting words on the subject, it would



seem profitable as a matter of public policy, and as a matter of humanity, to have a discharged-convict officer to assist the discharged ones in getting employment and another start in the world. Certain of the prison employes have done excellent work along this line. (A. E. King, p. 8.) But there should be a regular officer for the task.

#### Recommendations.

To the end that humane policies of treatment may be continued and financial loss wiped out or reduced to a minimum, I recommend legislation as follows:

1st. Abandonment of Rusk and Huntsville prisons; consolidation of the system at or near the city of Houston or some other centrally located point; that all prisoners be worked on farms owned by the State wherever possible; that such additional lands as may be necessary to carry out this policy be acquired; that additional lands be acquired in the vicinity of present holdings, or the present holdings be sold and other lands purchased elsewhere.

2nd. Creation of a board composed of the Comptroller, the Attorney General and the State Treasurer who shall appoint a general superintendent whose powers and duties shall correspond to the duties and powers of the superintendent under the old law, to receive a salary of not less than six thousand dollars per year.

3rd. Repeal of the convict per diem article.

4th. Sale of the Rusk-Palestine railroad if buyer can be found; if buyer can not be found then it should be abandoned.

5th. That prison funds be paid into the State Treasury direct; that the system be supported by direct appropriation and that funds be paid out only on Comptroller's warrant.

6th. The installation of a complete and thorough system of bookkeeping, so as to account for each item received and each item or bit of money disbursed.

7th. Such revision of the article limiting the hours of labor as will require a good day's work of each prisoner, having due regard to his physical condition.

8th. State-wide suppression of the liquor traffic as soon as it can be done; until then such restrictive legislation as will reduce the sale of liquors to a minimum.

9th. That the grading and classifica-

tion of prisoners be left to the commission, but that whites, Mexicans and negroes be separated; that a separate camp or camps for incorrigibles be established and that wearing of stripes be abolished.

10th. That commissioners' salaries be reduced to \$6.00 per day and expenses while on official duty; that departmental feature of commission be abolished; that the members of the commission be not required to live at Huntsville; that they be not required to devote their entire time to the system.

11th. Complete revision of the salary list and employe list, and that all employes not in sympathy with the law be discharged; that the positions of farm manager, purchasing and sales agent, be created; that the powers of the prison auditor be so enlarged that the office may be useful; that all employes of the system be appointed by the prison commission, by and with the consent of the general superintendent.

12th. Venue of all suits by and against the prison commission should be laid in Travis county.

13th. That the articles of the new law providing for shipment of corpses of deceased prisoners, and furnishing transportation to discharged prisoners be repealed and the old law upon those points be re-enacted.

14th. That the commission be required to provide religious services and religious literature for the prisoners.

15th. That an officer to be known as the discharged-convict agent be appointed by the Commission, with the consent of the superintendent whose duty it shall be to assist discharge convicts to find work and get another start in the world.

16th. That all the testimony taken by the committee, the three audits of the system's books made by Mr. Huey, and these reports, be printed for the information of the people.

17th. That the new law remain as it now is except for the changes hereinbefore proposed.

I confidently believe that the adoption of the above and foregoing recommendations will enormously reduce the expenses of the system, and correspondingly increase the revenues, and insure to the prisoners better treatment than in the past.

HUMPHREY.

## TENTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, July 31, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Johnson.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Terrell.

Absent—Excused.

Lattimore.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

(See appendix for petitions and standing committee reports.)

## SIMPLE RESOLUTION.

By Senator McNealus:

Whereas, Hon. W. H. Atwell, United States district attorney at Dallas, Texas, is in the Capitol; therefore be it

Resolved, That he be invited to address the Senate on the condition of the afflicted G. O. P. and that he have the freedom of the Senate Chamber.

The resolution was read and adopted, and Senators Real, McNealus and Morrow were appointed to escort Hon. W. H. Atwell to the stand.

## BILLS AND RESOLUTIONS.

By Senators McNealus, Warren, Darwin, Townsend, Westbrook, Clark, Greer, Taylor, Johnson, Gibson, Brelsford and Collins:

Senate Joint Resolution No. 1, Contemplating a State constitutional convention.

The resolution was read and referred to the Committee on Constitutional Amendments.

## RELATING TO PRINTING PENITENTIARY INVESTIGATING COMMITTEE REPORT.

Senator Warren made verbal report that the committee appointed to make the best arrangements possible for the printing of 500 copies of the report of the Penitentiary Investigating Committee, together with the testimony, statements and exhibits before said committee, had seen the public printer, and had obtained from him a waiver of his right to print said report and evidence; and had communicated by wire with other printing firms in Houston, San Antonio and Dallas; that two bids had been received, one from San Antonio to do the work within twelve days from receipt of the copy, \$1500 for 500 copies, and another from a firm in Dallas agreeing to do the work for \$3.50 per printed page for 500 copies, the report being estimated to make 540 pages, said firm to have said report ready by Monday night of next week, stating that in order to expedite matters Journal Clerk Gilmore had been sent to Dallas with a copy of the report and testimony.

He also reported that the firm of A. C. Baldwin & Sons of Austin had this day submitted a bid to print 2000 copies at \$1450, 1000 copies for \$1325, 500 copies for \$1250; in addition to this agreeing to furnish 200 copies in sections of 96 pages delivered Saturday, August 2; section of 192 pages delivered Monday, August 4, and all delivered not later than Thursday, August 7.

Senator Brelsford moved that the committee having in charge the printing of the Penitentiary Investigating Committee report be authorized to close a contract with A. C. Baldwin & Sons of Austin for the printing of 1000 copies of the report as based on their bid; and that the committee be further authorized to confer with the House, so that each branch of the Legislature pay proportionately the bill for the copies used by it; also that if the House and the committee desire, they may contract for an additional 1000 copies; and that the committee be requested to require of the contractor a satisfactory bond for the fulfillment of the contract.

The following amendment to the motion was offered by Senator Clark:

Amend the motion by adding the following: "Provided, that in the event

the committee fails to close a satisfactory contract with said A. C. Baldwin & Sons under this resolution, they are hereby authorized and instructed to close contract with Johnston Printing Company of Dallas for 500 copies under their bid."

Senator Watson offered the following substitute:

I move as a substitute that the acceptance by the Senate of any bids for printing the Penitentiary Committee report be deferred until August 1 and that the committee be requested to wire R. M. Gilmore at Dallas the tenor of all bids heretofore offered and that he request further bids for the printing, and that the Attorney General be requested to prepare the contract entered into and that a bond of \$1000 be required of the successful bidder.

Senator Brelsford moved to table the substitute.

The roll was called and the motion carried by the following vote:

Yeas—17.

Bailey.	Harley.
Brelsford.	Johnson.
Carter.	McGregor.
Clark.	Morrow.
Collins.	Nugent.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Wiley.
Greer.	

Nays—8.

Astin.	Real.
Conner.	Taylor.
Hudspeth.	Watson.
McNealus.	Westbrook.

Present—Not Voting.

Willacy.

Absent.

Terrell.

Absent—Excused.

Lattimore.

Senator Westbrook offered the following substitute:

Resolved, That we order the public printer to proceed with the work of printing 5000 copies of the report of the Penitentiary Investigating Committee, as he has offered to print 5000 copies for \$1070, whereas Johnston of Dallas wants \$1750 for printing 500 copies, and Baldwin & Sons of Austin want \$1200 for printing 500 copies.

The substitute was tabled on motion of Senator Brelsford.

Action then recurred on the amendment offered by Senator Clark. It was read and adopted.

The motion as amended was read and adopted.

REPORT OF COMMITTEE ON CONTINGENT EXPENSES.

Austin, Texas, July 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Contingent Expenses, to whom was referred House Concurrent Resolution No. 5, have had the same under consideration, and beg to report same back to the Senate with the recommendation that it be adopted, and be not printed.

WARREN, Chairman.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Warren:

Whereas, Von Boeckmann-Jones Company, who are printers holding contract with the State of Texas for printing of the first class, have waived their rights under existing contract for the printing and binding of the report and findings of the Penitentiary Investigating Committee appointed by the Thirty-third Legislature of the State of Texas, together with the record consisting of the questions and answers, exhibits and statements placed before said committee; and

Whereas, The Senate, during the First Called Session of the Thirty-third Legislature contemplates entering into a special contract for the printing and binding of the aforesaid matter at a price far in excess of the contract existing with the aforesaid Von Boeckmann-Jones Company, the same to be paid for out of the Contingent Expense Fund of the Senate; therefore, be it

Resolved by the Senate, that the Expert Printer and the Public Printing Board of the State of Texas be and they are hereby authorized and instructed to approve the account for said printing under said special contract, whatever the amount may be, and the Comptroller of the State of Texas be and he is hereby authorized and instructed to issue Treasury warrants therefor.

The resolution was read and adopted.

Senator Warren requested that the old committee be discharged; and, on motion of Senator Townsend, Senators Brelsford, McGregor and Collins were appointed as a new committee to contract for the printing as authorized in Senator Brelsford's motion.

### SPECIAL ORDER.

Senator Collins called up for consideration the following resolution which was offered yesterday:

Whereas, By resolution passed by the Regular Session of the Thirty-third Legislature, a committee was appointed to hear evidence of and concerning convicts confined in the penitentiary relative to their right to executive clemency under the provisions of the indeterminate sentence law passed by said Legislature; and

Whereas, Said committee has performed its labors with painstaking and great patience, and after hearing much evidence has recommended to the Governor that he exercise executive clemency in about four hundred cases of worthy convicts, who by their good deportment have proven themselves entitled to their freedom and their right again to enter upon the peaceful pursuits of life to earn a livelihood for those whom God had made dependent upon them; therefore, be it

Resolved by the Senate of Texas, That we heartily endorse the action of said committee and tender to it our sincere thanks for its splendid and unselfish service in the interest of humanity, and that we heartily concur in the recommendation of said committee for executive clemency, and that we hereby respectfully implore the Governor to act upon said recommendation and restore to their wives and children those convicts found by said committee to be worthy of their liberty.

Senator Cowell offered the following amendment:

Amend the resolution by striking out all of that portion of the last paragraph after the word "recommendation," where it last appears in said paragraph.

Senators Morrow and Willacy offered the following motion:

We move that the Senate go into Committee of the Whole at 3 o'clock p. m. today, and that the Lieutenant Governor, Hon. Will H. Mayes, and Hon. F. C. Weinert, Secretary of State, both

of whom were members of the committee whose report is referred to in the pending resolution printed on page 51 of the Journal, be invited to address the Senate.

The motion prevailed.

### HOUSE CONCURRENT RESOLUTION NO. 5.

The Chair laid before the Senate, House Concurrent Resolution No. 5, Relating to pay of Penitentiary Investigating Committee.

The resolution was read second time and adopted.

### RECESS.

On motion of Senator Wiley, the Senate recessed at 11:45 o'clock until 3 o'clock today.

### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Will H. Mayes.

Pursuant to the motion of Senators Morrow and Willacy of the morning session, the Chair announced that the Senate was in Committee of the Whole, and appointed Senator Taylor to preside over the committee.

### IN THE SENATE.

Action recurred on the pending business, the simple resolution by Senator Collins et al., and

Senator McGregor offered the following substitute to the pending amendment:

Amend the resolution by striking out all after the word "humanity," in the fifth line of the last paragraph, and inserting a period.

On motion of Senator Wiley, the substitute was tabled.

### MESSAGE FROM THE HOUSE.

Hall of the House of Representatives,  
Austin, Texas, July 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 2, A bill to be entitled

"An Act making appropriations to pay the salaries and employes of certain departments and courts of the State and other expenses of maintaining and conducting them, as follows: Governor's Office, Mansion and Grounds, Department of State, State Revenue Agent, Public Buildings and Grounds, Department of Insurance and Banking, State Insurance Commission, Texas Library and Historical Commission, State Tax Board, State Purchasing Agent, Public Printing, Bureau of Labor Statistics, State Inspector of Masonry, Public Buildings and Works, Adjutant General's Department, State Board of Health, Game, Fish and Oyster Commissioner, Live Stock Sanitary Commission, State Mining Board, Pure Food Commission, State Pension Department, Attorney General's Department, Department of Education, Treasury Department, Comptroller's Department, General Land Office, Railroad Commission, Department of Agriculture, Board of Water Engineers, and State Levee and Drainage Commission."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### PENDING BUSINESS.

Senators Watson and Hudspeth offered the following substitute for the resolution and pending amendment:

I move that the resolution be laid on the table subject to call, and that the list of convicts, term of their several convictions and the time already served, together with the offense for which they were convicted, and the county in which they were convicted, be printed in the Senate Journal of this date.

Senator Wiley offered the following as an amendment to the substitute:

Whereas, By resolution passed by the Regular Session of the Thirty-third Legislature, a committee was appointed to hear evidence of and concerning convicts confined in the penitentiary, relative to granting pardons under the provisions of the indeterminate sentence law passed at said Legislature; and

Whereas, Said committee has performed its duty under said resolution and made its report; therefore, be it

Resolved, That the Senate of Texas express its appreciation of the service rendered by said committee by a rising vote of the Senate, and that the committee be discharged.

Senator Watson made the point of

order that the amendment offered was not germane to the substitute; he made the further point of order that a substitute can not be amended until it has been adopted.

The Chair (Senator Taylor) sustained the points of order.

On motion of Senator Carter, the substitute was tabled by the following vote:

Yeas—15.

Astin.  
Carter.  
Clark.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.

Johnson.  
McGregor.  
McNealus.  
Real.  
Townsend.  
Westbrook.  
Wiley.

Nays—9.

Brelsford.  
Collins.  
Harley.  
Hudspeth.  
Morrow.

Nugent.  
Taylor.  
Watson.  
Willacy.

Absent.

Harley.  
Terrell.

Warren.

Absent—Excused.

Lattimore.

The following was offered as a substitute for the resolution and the pending amendment:

Whereas, By resolution passed by the Regular Session of the Thirty-third Legislature, a committee was appointed to hear evidence of and concerning convicts confined in the penitentiary, relative to granting pardons under the provisions of the indeterminate sentence law passed at said Legislature; and

Whereas, Said committee has performed its duty under said resolution and made its report; therefore, be it

Resolved, That the Senate of Texas express its appreciation of the service rendered by said committee by a rising vote of the Senate, and that the committee be discharged.

WILEY,  
McNEALUS,  
TOWNSEND,  
CARTER.

Pending.

(Lieutenant Governor Mayes in the chair.)



## HOUSE BILL NO. 2.

The Chair laid before the Senate, House bill No. 2.

The bill was read the first time and referred to the Committee on Finance.

## ADJOURNMENT.

On motion of Senator Morrow, the Senate, at 5:55 p. m., adjourned until 10 o'clock tomorrow.

## APPENDIX.

## COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, July 30, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 7, A bill to be entitled "An Act to amend Article 1314, Revised Statutes, prescribing conditions upon which foreign corporations may obtain permits to do business in Texas and providing penalties for violations of this act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,  
Austin, Texas, July 30, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 8, A bill to be entitled "An Act to amend Chapter 150, General Laws, passed at the Regular Session of the Thirty-third Legislature, relating to application for witnesses in felony cases, so as to repeal Section 4 of said chapter, which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

CONNER, Chairman.

## PETITION.

The following telegram was offered by Senator McNealus:

Dallas, Texas, July 31, 1913.

Senator J. C. McNealus, Austin, Texas.

Dear Sir: Committee from Farmers' Congress in Austin, asking appropriation of \$10,000 for exhibit at National Corn Show at Dallas. Believe State should assist Dallas putting up fifty thousand dollars in prizes and fifty thousand dollars for expense and maintenance. Will be greatest educational exposition ever held. Means much to agricultural interests. Urge your support and interest.

DALLAS CHAMBER OF COMMERCE.

C. W. HOBSON, President.

J. R. BABCOCK, Secretary.

## ELEVENTH DAY.

Senate Chamber,  
Austin, Texas,

Friday, August 1, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Johnson.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Watson.
Gibson.	Westbrook.
Greer.	Wiley.
Harley.	Willacy.
Hudspeth.	

Absent.

Terrell.

Warren.

Absent—Excused.

Lattimore.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Taylor.

(See Appendix for petitions and memorials and standing committee reports.)



### SENATE BILL NO. 6—MADE SPECIAL ORDER.

Senator Morrow moved that Senate bill No. 6, known as the Penitentiary bill, be made a special order for next Monday morning.

The motion prevailed.

### SIMPLE RESOLUTION.

By Senator Clark:

Whereas, The number of daily Senate Journals printed are not sufficient to meet the demands of the Senators; therefore, be it

Resolved, That 600 copies be printed daily.

The resolution was read and adopted.

### SIMPLE MOTION.

Senator Wiley made the following motion:

I move that the telegraphic petition presented by Senator McNealus requesting an appropriation for National Corn Show be referred to the Finance Committee.

The motion was read and adopted.

### BILLS AND RESOLUTIONS.

By Senator Hudspeth:

Senate bill No. 10, A bill to be entitled "An Act to regulate and supervise the purchase and sale in this State of all stocks, bonds and other obligations of private, foreign and domestic corporations, or associations in the organization and promotion thereof, organized or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stocks, bonds or other obligations of such corporations, proposed corporation or associations; defining 'promoters,' 'securities' and 'trustees,' fixing commission and promotion fees allowed to be charged; providing for examination fees; providing a penalty for the violation of the provisions thereof; exempting certain corporations, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senators Darwin and Wiley:

Senate bill No. 11, A bill to be entitled

"An Act to regulate the sale of stock certificates and debentures of any domestic or foreign corporation that is sought to be organized under the laws of this State, or that is seeking a permit to do business under the laws of this State other than insurance companies, banking companies, trust companies, or banking and trust companies, or savings banks; providing for an application for permit to organize; providing for the way and manner in which stock shall be sold; providing a maximum fee for the sale of such stock; providing that no corporation shall carry any treasury stock; providing that each and every corporation that shall hereafter organize under the laws of this State shall cause a certified copy of their articles of incorporation to be recorded in the office of the county clerk of the county in which their principal office is maintained, and that foreign corporations shall cause a certified copy of all papers relating to their incorporation and permit to do business in this State to be so recorded in the office of the county clerk of the county where such principal office is maintained; providing that the Commissioner of Insurance and Banking shall have full authority and power to enforce the provisions of this act relating to any insurance company, surety company, banking company, trust company, banking and trust company or savings banks; providing penalties for the violation of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

### RECESS.

On motion of Senator Willacy, the Senate recessed until 5 o'clock today.

### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

### NOTICE OF CONTEST.

The Chair had the following read to the Senate:

Texarkana, Ark., Aug. 1, 1913.  
Lieutenant Governor, Senate Chamber,  
Austin, Texas:

I will contest election and seating A.  
C. Oliver as Senator.

C. A. WHEELER.

### BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Morrow:

Senate bill No. 12, A bill to be entitled  
"An Act to amend Chapter 132 of the  
Acts of the Thirty-third Legislature,  
entitled 'An Act to provide for inde-  
terminate sentences of persons convicted  
of certain crimes; for the termination  
of such sentences and the release of  
such persons on parole; providing for  
exemption from the operations of the  
law in certain cases, and repealing all  
laws in conflict herewith, and declar-  
ing an emergency.'"

Read first time and referred to Com-  
mittee on State Penitentiaries.

### ADJOURNMENT.

On motion of Senator Hudspeth, the  
Senate, at 5:15 o'clock p. m., adjourned  
until 10 o'clock Monday morning.

### APPENDIX.

#### COMMITTEE REPORT.

(Floor Report.)

Austin, Texas, August 1, 1913.

Hon. Will H. Mayes, President of the  
Senate.

Sir: Your Committee on Penitenti-  
ary Affairs, to whom was referred  
Senate bill No. 12, A bill to be entitled  
"An Act to amend Chapter 132, Acts of  
the Thirty-third Legislature,"

Beg leave to report that we have had  
the same under consideration, and rec-  
ommend that the same do pass, and that  
it be printed.

Hudspeth, Chairman; Harley, Nugent,  
Taylor, Real and Greer.

### PETITIONS AND MEMORIALS.

Lieutenant Governor Mayes presented  
the following petition:

College Station, Tex., July 31, 1913.  
Lieutenant Governor W. H. Mayes, Aus-  
tin, Texas:

We request you give strongest sup-  
port appropriation bill as passed House.  
Commend and thank you.

EDWARD W. KNOX,

CHARLES B. METCALFE.

### TWELFTH DAY.

Senate Chamber,  
Austin, Texas,

Monday, August 4, 1913.

The Senate met pursuant to adjourn-  
ment and was called to order by Lieu-  
tenant Governor Will H. Mayes.

Roll call, a quorum was present, the  
following Senators answering to their  
names:

Astin.	Lattimore.
Bailey.	McGregor.
Brelsford.	McNealus.
Clark.	Morrow.
Collins.	Nugent.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.

Absent.

Carter.

Real.

Prayer by the Chaplain.

Pending the reading of the Journal of  
Friday, the same dispensed with on  
motion of Senator Taylor.

### SIMPLE RESOLUTION.

By Senator Townsend:

Whereas, There is to be a contest  
filed before this body contesting the seat  
of the First Senatorial District of  
Texas; therefore, be it

Resolved by the Senate, That the  
Lieutenant Governor be requested to add  
all names of Senators to the Committee  
on Privileges and Elections.

The resolution was read, and Senator  
Watson moved to table the resolution,  
which motion was lost by the following  
vote:

Yeas—8.

Astin.	Harley.
Bailey.	Hudspeth.
Clark.	Morrow.
Gibson.	Watson.

Nays—13.

Brelsford.	Darwin.
Collins.	Greer.
Conner.	Johnson.
Cowell.	Lattimore.

McNealus.  
Taylor.  
Townsend.

Warren.  
Wiley.

Present—Not Voting.

Terrell.

Absent.

Carter.  
McGregor.  
Nugent.

Real.  
Westbrook.  
Willacy.

The resolution was then adopted by the following vote:

Yeas—13.

Brelsford.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Greer.  
Johnson.

Lattimore.  
McNealus.  
Taylor.  
Townsend.  
Warren.  
Wiley.

Nays—8.

Astin.  
Bailey.  
Clark.  
Gibson.

Harley.  
Hudspeth.  
Morrow.  
Watson.

Present—Not Voting.

Terrell.

Absent.

Carter.  
McGregor.  
Nugent.

Real.  
Westbrook.  
Willacy.

The Chair directed that all members of the Senate were added to the Committee on Privileges and Elections.

#### EXCUSED.

On account of important business:  
Senator Carter, for all of this week,  
on motion of Senator Hudspeth.

Senator Warren, for non-attendance  
on last Friday, on motion of Senator  
Brelsford.

#### SIMPLE RESOLUTION.

By Senator Lattimore:

Whereas, There are now on file in the Pension Office of this State approximately two thousand applications for pensions made by Confederate soldiers and their widows which have not been acted upon, some of which have been there for more than ten years, and

many of which have been there for three or four years; and

Whereas, These men and women whom we honor are rapidly passing away, and if we are going to show our appreciation by the payment of the pension it should be done while they are still alive; and

Whereas, The present condition is in a measure due to a lack of system and to a lack of help to carry on the work of said office; now, therefore, be it

Resolved, That it is the sense of this body that the Pension Commissioner should at once employ a competent stenographer to aid him in the work and correspondence of said office, and that the administration of the affairs of said office should be hereafter so conducted as to pass upon applications in a reasonable time after they are filed, and we pledge ourselves to do our best to see that a sufficient appropriation is made to provide and pay for sufficient help to hereafter so conduct the affairs of said office.

LATTIMORE,  
COWELL,  
WILEY,  
TAYLOR,  
McNEALUS.

The resolution was read and adopted.

#### EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, August 4, 1913.

To the Senate:

On July the 22d, by message, I advised you of the appointment of Ben E. Cabell of Dallas county to be a member of the Board of Prison Commissioners, and asked your advice and consent to his appointment.

On July 26th, by message, I advised you of the appointment of Hon. L. W. Tittle of Cherokee county, and Hon. R. W. Braham of Walker county, to be members of the Board of Prison Commissioners, and asked your advice and consent to their appointment.

I now respectfully recall the names of the above mentioned appointees from the further consideration of the Senate at this time.

Respectfully submitted.

O. B. COLQUITT,  
Governor of Texas.

**RELATING TO SEATING OF A. C. OLIVER AS SENATOR-ELECT FROM FIRST DISTRICT.**

The Chair had the following telegram read to the Senate:

New Boston, Tex., Aug. 4, 1913.

President of Senate, Austin, Texas:

Have canvassed returns First Senatorial District. A. C. Oliver plurality twenty-four votes. Certificate of election follows. C. A. Wheeler gives notice of contest.

LEE TIDWELL,  
County Judge, Bowie county.

The above message was read, and Senator Watson offered a resolution, but pending discussion withdrew same.

The Chair here announced the following petition on part of Mr. Wheeler and directed same to be printed in the Journal; and referred same to Committee on Privileges and Elections.

Austin, Texas, August 4, 1913.

To Hon. A. C. Oliver:

You will please take notice, that it is my intention and purpose to and I shall contest your right to the office of Senator from the First Senatorial District of the State of Texas, it being my contention that you were not legally elected and have not been legally elected to said office at the election held throughout said district on July 19, 1913, but that I was, at said election, legally elected to the office of Senator from the First Senatorial District of Texas.

I herewith hand to you a copy of my original petition, upon which I base my said contest and upon which I shall offer evidence.

Respectfully,  
(Signed) C. A. WHEELER.

I hereby certify that on the 4th day of August, A. D. 1913, I delivered to A. C. Oliver in person in the city of Austin, Travis county, Texas, a true copy of the above and foregoing notice, together with a true copy of the petition mentioned in said notice.

(Signed) C. A. WHEELER.

In re Contest of the Election of A. C. Oliver as Senator from the First Senatorial District of Texas.

To the Honorable the Senate of Texas:

Your petitioner, C. A. Wheeler, ap-

pears herein for the purpose of contesting before this Honorable Body the election of A. C. Oliver as Senator from the First Senatorial District of Texas, and as his grounds for said contest doth allege and is prepared to prove the following:

1. Your petitioner and the said A. C. Oliver and Lewie H. Henry, Esq., were candidates in a special election called by the Governor of Texas to be held in the various voting places in the First Senatorial District of Texas on the 19th day of July, 1913, to fill the vacancy occasioned by the resignation of Horace W. Vaughan from this body. Said election was called, and under the law should have been conducted in accordance with the election laws of the State of Texas, and your petitioner was entitled to have his candidacy tested and decided in accordance with the terms and provisions of said laws.

2. Among the voting places in said district is Douglasville, in the county of Cass, said town being the home of A. C. Oliver, contestee herein. There were 138 votes polled at said box during the said election, of which number 118 were counted by the judges for the contestee herein and 18 for your petitioner and 2 for Lewie H. Henry. With the exception of the said box, your petitioner in said district received 1667 votes and contestee herein received 1591 votes and Lewie H. Henry received 1187 votes. Your petitioner, therefore, unless defeated by the votes cast in the said Douglasville box, received a majority of the legal votes cast in said election, and has been duly and legally elected to the office of Senator from said district.

3. Your petitioner shows that R. B. McWhorter was the presiding judge and B. B. Webster and ..... were the other judges at said box; that the votes cast in the said Douglasville box were not legal votes, and none of same should be counted under the law, either for or against any of the candidates in said election, because:

(a) Neither the said presiding judge nor any of the other judges before opening the polls or at any time thereafter until eighty votes had been received and cast took the oath of affirmation as officers of election and as provided by law. Your petition is unable to give the names of the voters who cast the first eighty votes counted or for whom they were voted, for want of knowledge,

but he avers the facts to be that the votes cast in said box numbered one to eighty, inclusive, were cast at a time before the judges had taken the oath of office and when, under the law, they had no right to receive or count them.

(b) Among the votes cast in said box and accepted by the judges and counted in the result were the votes of a large number of men, many of whom were negroes, who were not entitled to vote under the law, and whose votes were illegal under the law, because they had not paid their poll tax for the year 1912 prior to the 1st day of February, 1913, and were not exempt from the payment of such poll tax. Petitioner is unable to give the names and number of said illegal voters for want of knowledge, but he says that a comparison of the list of legal voters of Cass county, Texas, at said Douglasville box who had paid their poll tax, or were exempt from such payment, with the poll list made out at said election will disclose their names.

(c) The following persons, among others, voted at said box: J. P. Swint, A. O. Carlo, Boss Young, W. J. Hendrix, J. C. Cherry, J. M. Dupree, R. H. Williams, T. S. Allen, L. G. Dupree, Frank Dickerson, W. J. L. Heath, J. M. Ormand, George Young, Nelson Frederick, G. W. Smith, Ena Swint, Dud Gray, Leona Gray, J. T. Blalock, Felix Vaden, A. S. Pate, W. R. Warren, Freeman Washington, U. Samuel, W. J. McCall, Will Edwards, Will Legg, Eugene Young, R. B. McCoy, J. M. McCoy and Allen Frederick.

Some of said men are among those referred to in the preceding subdivision as being unauthorized to vote; but as regards all of said list, your petitioner says that none of the names of the persons mentioned above appear upon the list of the voters at said voting box who had paid their poll tax for the year 1912 prior to February 1, 1913, or were exempt from such payment, as your petitioner is informed and believed. That L. G. Dupree, W. J. L. Heath, G. W. Smith and Felix Vaden voted at said box and at the time resided at and in another voting precinct other than the Douglasville precinct, and were not legal voters at said Douglasville voting box, and at the time poll tax receipts were issued to them they each resided in precincts other than said Douglasville precinct. Your petitioner avers upon information and belief that all of said men voted for contestee herein and against your petitioner.

(d) The said officers of the election and each of them at the noon hour on the said election day, to wit, July 19, 1913, left the voting place, the box containing the ballots that had been cast, the unused ballots, and the entire equipment and supplies and paraphernalia of the election in the room where said election was held for a period of one hour or more, locking the door to same, during which they partook of refreshments. Said refreshments were taken during the hours provided by law for voting and before the canvass of the votes had been taken, but they were not taken at the said polling place and were not taken in view of the ballot box, but they were taken at remote and distant places out of the view and entirely removed from said box and voting place; nor did the said judges partake of refreshments at the same place, but repaired to their several homes and assembled at a later time and reopened the voting place.

(e) When the ballots thus cast had been counted, the managers of the said election did not in person make out triplicate returns of the same and certify them to be correct and sign them officially in the manner provided by law. The presiding judge at said box did not sign said return at all, but gave B. B. Webster, one of the judges, authority to sign his name, and the signature that appears upon said returns on which the certificate of contestee's election was issued is not the genuine signature of R. B. McWhorter, but was signed by B. B. Webster at the request and instance of R. B. McWhorter during his absence.

(f) None of the ballots cast and counted in said voting box were signed by the presiding judge thereof, nor were they, as petitioner is informed and believes, numbered. He makes the charge upon information and belief as to the numbering of said ballots, but alleges the fact to be that not one of the ballots used in said election at said box bore the signature of the presiding judge, R. B. McWhorter, and that all of the ballots so cast, despite the fact that they were not signed as provided by law, and despite the fact that the law expressly provides that the judges shall count no ballots which do not bear the signature of the presiding judge or which are unnumbered, all of said ballots were counted with the result that 118 of same were counted as aforesaid in favor of contestee herein and 18 in favor of your petitioner.



4. Your petitioner shows that for the reasons mentioned in the preceding paragraph all of the ballots cast in the said Douglasville box were illegal and unlawful votes and should not have been counted for any of said candidates. That except for such unlawful and illegal votes, your petitioner has a majority of the votes cast by the qualified voters of the First Senatorial District of Texas, and under the law is entitled to a seat in this body and all the privileges and emoluments and benefits of the said office.

5. He therefore files this, his contest, before this honorable body, attaching hereto the certificate of Hon. Lee Tidwell, county judge of Bowie county, Texas, showing that the 4th day of August, 1913, is the return day of the said election; that is to say, the day on which the votes in said election were counted, that a certificate of election was issued to contestee herein upon said date. Your petitioner also attaches a copy of a notice of this contest served upon the contestee herein, on the day of August, 1913, showing your petitioner's purpose and intention to contest the election herein referred to, which notice was delivered to contestee in person.

6. Wherefore, your petitioner prays that this honorable body hear this contest in the manner provided by law, and that he be declared entitled to a seat in this honorable body as Senator from the First Senatorial District of Texas, and be declared duly and legally elected as such.

(Signed) C. A. WHEELER.  
Contestant.

I, C. A. Wheeler, contestant named in the above and foregoing petition, state, upon my oath, that the facts alleged in said petition are true to the best of my knowledge and belief.

(Signed) C. A. WHEELER.

Sworn to and subscribed before me this 4th day of August, A. D. 1913.

(Signed) O. W. HARDY.

(Seal) Notary Public in and for Travis County, Texas.

In Re Contest of C. A. Wheeler of the Election of A. C. Oliver as Senator From the First Senatorial District.

Original Petition of C. A. Wheeler.

Filed in the Senate of Texas, this 4th day of August, 1913, at 10:40 o'clock a. m.

W. V. HOWERTON,  
Secretary of the Senate.

August 4, 1913.

7—S

Referred to Committee on Privileges and Elections.

### SIMPLE RESOLUTION.

By Senator Brelsford:

Resolved, That a committee of three be appointed by the President of the Senate to draft and have printed in the Journal of tomorrow a penitentiary bill, briefly providing for the following amendments:

1. The appointment of a Prison Commission to have the exclusive control of the penitentiary system, to be paid \$6.00 per day.

2. Authority to be conferred upon said Commission to choose a general manager and executive officer, which manager or executive officer shall be chosen by said board upon their own nomination, and who may be employed at a salary of not to exceed \$6000 per annum, and who when appointed may be a resident of this State or without this State.

3. An auditor to be appointed by the Attorney General, the Comptroller and the State Treasurer, and all disbursements made through the Comptroller's Office, and all receipts of the system to be paid in to the State Treasury.

4. That all matters of detailed management, discipline and financial policy be left in the hands of said board of managers in so far as not limited or denied by existing law.

5. That said board shall at any and all times upon request of the Governor submit full and detailed report to the Governor of any matter pertaining to the penitentiary system or its operations, which report shall be made in writing and under oath by the board of managers within thirty days from the receipt of the written request of the Governor.

6. That the board of managers shall have no authority to purchase or sell any real property belonging to the prison system or to be purchased for the prison system until said proposition has been submitted to and approved by the next succeeding Legislature.

The resolution was read and, pending discussion, Senator Wiley moved that the resolution be referred to Committee on Penitentiary Affairs.

Senator Morrow moved, as a substitute, that a committee of three Senators be appointed to draft amendments to Senate bill No. 6, and report on same tomorrow.



Senator Wiley made the point of order that the substitute motion was not germane, and the Chair sustained same.

Action recurred on the motion to refer the resolution to Committee on Penitentiary Affairs, and the same was adopted.

Morning call concluded.

### SENATE BILL NO. 6.

The Chair laid before the Senate, as special order, on second reading,

Senate bill No. 6, A bill to be entitled "An Act to amend Chapters 1 and 2, Title 104, Revised Civil Statutes of 1911, the same being an act passed by the Fourth Called Session of the Thirty-first Legislature, and entitled 'An Act to establish a prison system and declaring the policy of the State with reference thereto,' and declaring an emergency."

Senator Townsend moved that action on the bill be deferred until tomorrow morning, and the motion was amended by motion of Senator Hudspeth, to defer the action till Wednesday morning and that it be made a special order, and the amended motion was adopted.

### SIMPLE RESOLUTION.

(Pending Business.)

The Chair laid before the Senate, as pending business, a simple resolution by Senator Collins, relating to the report of the special committee appointed at the Regular Session relating to the recommendation for pardon for certain convicts.

Action recurred on the pending substitute for the pending amendment (see Thursday's Journal for the amendment and substitute).

Senator Clark moved the previous question on the amendment and the resolution, which motion being duly seconded, was so ordered.

Action recurred on the substitute for the pending amendment, and the same was lost by the following vote:

Yeas—11.

Astin.	McNealus.
Bailey.	Terrell.
Clark.	Townsend.
Darwin.	Westbrook.
Greer.	Wiley.
Harley.	

Nays—13.

Collins.	Morrow.
Conner.	Nugent.
Cowell.	Taylor.
Gibson.	Warren.
Hudspeth.	Watson.
Johnson.	Willacy.
Lattimore.	

Absent.

McGregor.	Real.
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PAIRED.

Senator Brelsford (present), who would vote "nay," with Senator Carter (absent), who vote "yea."

Action then recurred on the pending amendment by Senator Cowell, and the same was adopted by the following vote:

Yeas—21.

Astin.	Morrow.
Bailey.	Nugent.
Clark.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Johnson.	Willacy.
Lattimore.	

Nays—3.

Brelsford.	Hudspeth.
Collins.	

Present—Not Voting.

McNealus.

Absent.

McGregor.	Real.
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Absent—Excused.

Carter.

### REASON FOR VOTE.

I vote "yea" on the amendment by the Senator from Grayson for the reason that, while I favor the resolution as offered by the Senator from Jefferson, I believe that we get all of the real substance of the resolution as originally offered, and thereby sustain the action of our committee and hold out a hope to the worthy and meritorious convicts, and place a premium upon reform and good conduct on the part of such convicts.

NUGENT.

The resolution was then adopted as amended by the following vote:

Yeas—17.

Bailey.	Lattimore.
Brelsford.	Morrow.
Collins.	Nugent.
Conner.	Taylor.
Cowell.	Terrell.
Gibson.	Warren.
Harley.	Watson.
Hudspeth.	Willacy.
Johnson.	

Nays—8.

Astin.	McNealus.
Clark.	Townsend.
Darwin.	Westbrook.
Greer.	Wiley.

Absent.

McGregor. Real.

Absent—Excused.

Carter.

#### ADJOURNMENT.

On motion of Senator Willacy, the Senate, at 12:10 o'clock p. m., adjourned until 10 o'clock tomorrow.

#### THIRTEENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, August 5, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Lattimore.
Bailey.	McNealus.
Brelsford.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Johnson.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

McGregor.

Absent—Excused.

Carter.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Cowell.

#### EXCUSED.

On account of important business: Senator Real, for non-attendance on yesterday, on motion of Senator Cowell.

#### SIMPLE RESOLUTION.

By Senator Clark:

Be it resolved by the Senate, That the Superintendent of Public Buildings and Grounds be instructed to place an electric fan in the Senate Chamber directly over the Secretary's desk, the expense of same to be paid for out of the contingent expense fund of the Senate.

The resolution was read and referred to Committee on Contingent Expenses.

#### SIMPLE RESOLUTION.

By Senator Clark:

Resolved by the Senate, That where-as it is necessary that the members get their mail by 7:30 o'clock in the morning in order to answer same before the session begins; therefore, be it

Resolved, That the Postmistress be instructed to have the mail ready for delivery to the Senators as early as 7:30 in the morning, and that she remain to make up and deliver mail as late as 7 o'clock in the evening, and that the President of the Senate designate an employe to assist the Postmistress in this matter.

The resolution was read, and Senator Watson offered the following substitute:

Be it resolved by the Senate, That the President of the Senate appoint three members of the Senate to arrange for the delivery to the Senate Postmistress directly from the Austin postoffice of all mail addressed to the Senators, and that arrangements be made for delivery of same at such hours as will be satisfactory to the membership of this Senate.

The substitute was read and adopted.

The Chair appointed the following committee in accordance with the above substitute: Senators Watson, Clark and Astin.

## SIMPLE RESOLUTION.

By Senator Clark:

Whereas, Many members of the Senate frequent the Senate Chamber as early as 7 o'clock a. m. for the purpose of attending to business matters before the regular session of the Senate; therefore, be it

Resolved, That the Superintendent of Buildings and Grounds be requested to have fans turned on in the Senate at 7 a. m. each day during this session.

The resolution was read and adopted.

## SIMPLE RESOLUTION.

By Senator Clark:

Be it resolved by the Senate, That Capt. E. I. Kellie be excused from attendance on the Senate to attend the State reunion of Confederate Veterans at Greenville, Texas, beginning August 6.

CLARK,  
WATSON.

The resolution was read and adopted.

## BILLS AND RESOLUTIONS.

By Senator Morrow:

Senate bill No. 13, A bill to be entitled "An Act to amend Section 1, Chapter 150, of the laws enacted by the Thirty-third Legislature, Regular Session, entitled 'An Act to require applications under oath to be made for witnesses in felony cases; to provide adequate penalties against district clerks or his deputy for unlawfully issuing subpoenas in felony cases; to define the duties of the district judge with reference to sheriffs' accounts, and to provide for fees of witnesses residing in the county of the prosecution in felony cases, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

Morning call concluded.

(By Unanimous Consent.)

By Senator Brelsford:

Senate bill No. 14, A bill to be entitled "An Act to amend Chapters 1 and 2, Title 104, Revised Civil Statutes of 1911, the same being an act passed by the Fourth Called Session of the Thirty-first Legislature, and entitled 'An Act to establish a prison system, and declaring the policy of the State with refer-

ence thereto; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in certain rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor, and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act,' and declaring an emergency."

Read first time and referred to Committee on State Penitentiaries.

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 4, A bill to be entitled "An Act providing for the election of United States Senators from Texas to the Congress of the United States and providing for the selection and nomination of candidates therefor," with engrossed rider.

House bill No. 14, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, to wit: The University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas State Normal, and West Texas State Normal, and declaring an emergency." with engrossed rider.

House bill No. 24, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, to wit: State Orphan Home, Confederate Home,

Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum, and North Texas Hospital for the Insane," with engrossed rider.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILLS ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after their captions had been read, the following House bills:

House bill No. 4, referred to Committee on State Affairs.

House bill No. 14, referred to Finance Committee.

House bill No. 24, referred to Finance Committee.

#### SENATE BILL NO. 7.

The Chair laid before the Senate, on its second reading and regular order,

Senate bill No. 7, A bill to be entitled "An Act to amend Article 1314, Revised Statutes, prescribing conditions upon which foreign corporations may obtain permits to do business in Texas, and providing penalties for violating the provisions of this act."

The bill was read, and Senator Darwin offered the following amendment:

Amend the bill, page 2, line 14, by striking out all after the word "that," down to and including the word "paid," in line 15, and inserting in lieu thereof the following: "The full amount of the authorized capital stock has in good faith been subscribed and 50 per cent thereof has been paid in cash, or its equivalent in other property or labor done, the product of which shall be to the company of the actual value at which it was taken, or property actually received."

DARWIN,  
WILEY.

Pending discussion, Senator Hudspeth offered the following substitute for the amendment:

Substitute for the amendment by striking out the word "fifty," in line 14, page 2, and insert in lieu thereof "seventy-five."

Pending discussion, Senator Gibson,

by unanimous consent, offered the following:

Resolved, That Senate bill No. 7 be referred to the following committee for the purpose of working out such amendments as will enable the Senate to pass such a law as will do justice to foreign and domestic corporations and at the same time protect the citizens of Texas, to be composed of Senators Wiley, Darwin, Lattimore, Morrow and Watson, and that said committee report back to the Senate as soon as possible.

The above resolution was read, and Senator Clark offered the following substitute for same:

Resolved, That Senate bill No. 7 be referred to the following committee for revision, and said committee report as early as possible: Darwin, Wiley, Morrow, Nugent, Hudspeth, Watson and Brelsford.

Action recurred on the substitute for the Gibson resolution, and the same was lost by the following vote:

Yeas—3.

Bailey.  
Clark.

Hudspeth.

Nays—15.

Astin.  
Collins.  
Conner.  
Cowell.  
Gibson.  
Greer.  
Johnson.  
Lattimore.

Real.  
Taylor.  
Terrell.  
Townsend.  
Warren.  
Westbrook.  
Willacy.

Present—Not Voting.

Brelsford.  
Darwin.  
McNealus.

Morrow.  
Watson.  
Wiley.

Absent.

Harley.  
McGregor.

Nugent.

Absent—Excused.

Carter.

Action then recurred on the resolution, and the same was adopted by the following vote:

Yeas—11.

Astin.  
Bailey.  
Cowell.  
Darwin.  
Gibson.  
Greer.

Hudspeth.  
Lattimore.  
Real.  
Terrell.  
Willacy.

## Nays—8.

Clark.	Taylor.
Collins.	Townsend.
Conner.	Warren.
Johnson.	Westbrook.

## Present—Not Voting.

Brelsford.	Nugent.
McNealus.	Watson.
Morrow.	Wiley.

## Absent.

Harley.	McGregor.
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## Absent—Excused.

Carter.

## EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, August 5, 1913.

To the Senate:

I respectfully ask the advice and consent of the Senate to the following appointments:

To be a member of the Board of Managers of the Southwestern Insane Asylum at San Antonio: Jos. J. Tucker, Jr., of Bexar county, in place of Geo. V. Maverick, resigned.

To be a member of the Board of Managers of the Deaf and Dumb Institute at Austin: W. H. Richardson, Jr., of Travis county, in place of T. D. Vaughan, deceased.

To be a member of the Board of Managers of the State Orphan Home at Corsicana: Doc Boyett, of Purdon, Navarro county.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

## HOUSE BILL NO. 1.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 1, A bill to be entitled "An Act making appropriations to pay salaries of judges, and for the support of the Judicial Department of the State government for two years beginning September 1, 1913, and ending August 31, 1915, and declaring an emergency."

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the figures "360" and "360," in line 31, page 5, of the printed bill and insert in lieu thereof the figures "480" and "480." Also amend

by inserting in line 5, page 6, the following: "For books for library, \$200 for the first year and \$200 for the second year."

WILLACY,  
COWELL.

In connection with the consideration of this bill, Senator Townsend offered the following resolution:

"I move that the Senate proceeds to the consideration of the bill item by item, each item to be read by the Secretary until the whole bill is adopted, rejected or adopted with amendments."

The resolution was read and lost by the following vote:

## Yeas—4.

Greer.	Townsend.
McNealus.	Westbrook.

## Nays—19.

Astin.	Johnson.
Bailey.	Lattimore.
Brelsford.	Morrow.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Wiley.
Hudspeth.	

## Present—Not Voting.

Willacy.

## Absent.

Harley.	Nugent.
McGregor.	

## Absent—Excused.

Carter.

Senator Townsend called for the reading of the bill.

## RECESS.

Senator McNealus moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Westbrook moved, as a substitute, that the Senate recess until 1:30 o'clock today.

Action recurred on the longest time first, and the motion to adjourn until 10 o'clock tomorrow was lost by the following vote:

## Yeas—3.

Bailey.	Morrow.
Hudspeth.	

## Nays—21.

Astin.	McNealus.
Brelsford.	Real.
Clark.	Taylor.
Conner.	Terrell.
Collins.	Townsend.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Westbrook.
Greer.	Wiley.
Johnson.	Willacy.
Lattimore.	

## Present—Not Voting.

Nugent.

## Absent.

Harley. • McGregor.

## Absent—Excused.

Carter.

The motion to recess was then adopted.

## AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

## HOUSE BILL NO. 1.

(Pending Business.)

Action recurred on the pending business, House bill No. 1, making appropriations for the Judiciary.

Senator Watson offered the following amendment, which was read and adopted:

Amend House bill No. 1, page 10, by inserting between lines 28 and 29, the following: "For the payment of transcripts in cases where the court is required to and does appoint an attorney to represent the defendant in a criminal action, and where the official shorthand reporter is required to and does furnish the attorney for said defendant, if convicted, with a transcript of the notes, as provided in Section 14 of Chapter 119, page 264, of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-second Legislature. For the years ending August 31, 1914, and August 31, 1915, \$800—\$800."

Senator Townsend offered the following amendment:

Amend the bill on page 2, line 7, by striking out said line.

The amendment was read, and Senator

Willacy moved to table the amendment, which motion to table was adopted by the following vote:

## Yeas—12.

Astin.	Hudspeth.
Bailey.	Johnson.
Brelsford.	Nugent.
Clark.	Terrell.
Conner.	Watson.
Gibson.	Willacy.

## Nays—9.

Collins.	Real.
Darwin.	Taylor.
Greer.	Townsend.
Lattimore.	Westbrook.
McNealus.	

## Absent.

Cowell.	Morrow.
Harley.	Warren.
McGregor.	Wiley.

## Absent—Excused.

Carter.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend bill by allowing each porter of Court of Civil Appeals \$480 per year for each year.

LATTIMORE,  
HUDSPETH,  
MCNEALUS.

Senator McNealus offered the following amendment:

Amend the printed bill concerning salaries of stenographers for Courts of Civil Appeals allowing \$1200 each year, in lieu of the amounts stated in the bill.

MCNEALUS,  
TOWNSEND.

Senator Johnson moved to table the amendment, which motion to table was adopted by the following vote:

## Yeas—14.

Astin.	Johnson.
Bailey.	Nugent.
Brelsford.	Real.
Clark.	Terrell.
Conner.	Watson.
Darwin.	Westbrook.
Gibson.	Willacy.

## Nays—7.

Collins.	McNealus.
Greer.	Taylor.
Hudspeth.	Townsend.
Lattimore.	



Absent.  
Cowell. Morrow.  
Harley. Warren.  
McGregor. Wiley.

Absent—Excused.  
Carter.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend bill to fix salary of one stenographer of each Court of Civil Appeals at \$900 for each year, and for one bailiff of each Court of Civil Appeals at \$100 each year.

Senator Clark moved the previous question on the passage of the bill to a third reading, which motion, being duly seconded, was so ordered.

Senator Conner made the following point of order:

The attempt by the Appropriation Committee to raise the salary of the chief justice and justices of the Supreme Court and the justices of the Court of Criminal Appeals from \$4000 to \$5000, and the salary of the justices of the several Courts of Civil Appeals from \$3500 to \$4000 in the appropriation bill in conformity to the law passed at the Regular Session of the Thirty-third Legislature, is prohibited by Article 7086 of the Revised Statutes, 1911, under the construction placed on Article 3, Section 36, of the Constitution by the Supreme Court in the case of *The State of Texas vs. Steel*, 57 Texas, 200, for the reason that neither the appropriation bill nor the act of the Thirty-third Legislature increasing and fixing the salary of the justices of said several courts in any way refer to, seek to change, or repeal said Article 7086 of the Revised Statutes, 1911, and the act of the Appropriation Committee increasing the salary of said justices during the term of office to which they had been elected is prohibited by law in so far as it attempts to increase said salaries.

The Chair overruled the point of order.

The bill was read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Astin. Brelsford.  
Bailey. Clark.

Collins.  
Cowell.  
Darwin.  
Greer.  
Harley.  
Hudspeth.  
Johnson.  
Lattimore.  
McNealus.  
Nugent.

Real.  
Taylor.  
Terrell.  
Townsend.  
Warren.  
Watson.  
Westbrook.  
Wiley.  
Willacy.

Nays—1.

Conner.

Absent.

Gibson.  
McGregor.

Morrow.

Absent—Excused.

Carter.

The bill was read third time and passed by the following vote:

Yeas—22.

Astin.  
Bailey.  
Brelsford.  
Clark.  
Cowell.  
Darwin.  
Greer.  
Harley.  
Hudspeth.  
Johnson.  
Lattimore.

McNealus.  
Nugent.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Warren.  
Watson.  
Westbrook.  
Wiley.  
Willacy.

Nays—1.

Collins.

Absent.

Gibson.  
McGregor.

Morrow.

Absent—Excused.

Carter.

Senator Willacy moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## ADJOURNMENT.

On motion of Senator Bailey, the Senate, at 2:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

## FOURTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
Wednesday, August 6, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Lattimore.
Bailey.	McGregor.
Brelsford.	McNealus.
Clark.	Morrow.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Harley.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.

Absent.

Willacy.

Absent—Excused.

Carter.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

Morning call concluded.

#### RELATING TO SEATING HON. A. C. OLIVER AS MEMBER FROM THE FIRST DISTRICT.

The Chair stated that the certificate of election of Hon. A. C. Oliver as Senator-elect from the First Senatorial District had been filed with the Senate, the certificate being as follows:

The State of Texas,  
Department of State.

I, F. C. Weinert, Secretary of State of the State of Texas, do hereby certify that Judge Lee Tidwell, county judge of Bowie county, Texas, has certified to this department the returns of the special election held on July 19, 1913, in the First Senatorial District of the State of Texas to select a Senator from the First Senatorial District to succeed the Hon. Horace W. Vaughan, resigned. That the result of said election shows that Hon. A. C. Oliver received 1707 votes; Hon. C. A. Wheeler 1683 votes, and Hon. L. H. Henry 1198 votes; and I do hereby certify that Hon. A. C. Oliver, having received the largest number of votes cast for any one candidate, according to the returns made to this department, is the duly elected and accredited Senator from the First Senatorial District, having received a ma-

jority of twenty-four votes over the next highest candidate.

In testimony whereof I have hereunto signed my name officially and caused to be impressed hereon the seal of State at my office in the city of Austin, Texas, this the 6th day of August, A. D. 1913.

(Seal) F. C. WEINERT,  
Secretary of State.

Senator Watson requested unanimous consent that Mr. Oliver be seated as a member of the Senate from the First Senatorial District.

Senator Townsend objected.

Senator Brelsford offered the following simple resolution:

Whereas, Hon. C. A. Wheeler, of Texarkana, Texas, has filed a contest with this body contesting the election of the Hon. A. C. Oliver as Senator from the First Senatorial District of Texas, and as a basis for said contest alleges matters of serious irregularity in said election, of such a nature demanding an immediate investigation by this body; and

Whereas, It is the sense of this body that justice be meted out to the parties and that such person be seated who may have been elected by the qualified voters of said First Senatorial District of Texas; therefore, be it

Resolved by the Senate, That the notice and statement of contest by the Hon. C. A. Wheeler and the other papers pertaining thereto be referred at once to the Committee on Privileges and Elections of the Senate, and that said committee proceed without delay to fix the time for a hearing of said contest, and after due notice to the parties thereto investigate the issues between said parties, hearing all the legal evidence that may be presented to said committee and at the earliest practicable date report their conclusion of law and fact in respect to said case to this body, accompanied by all the papers in the case and the evidence taken therein, with such recommendations as may to them seem proper, to the end that the Senate may act upon this contest at the very earliest practicable date possible.

Signed—Lattimore, Brelsford, Johnson, Cowell, Gibson, Conner, Townsend, Westbrook, Darwin, Wiley, Taylor, Greer, Warren, McNealus, Collins.

Senator Watson offered the following amendment to the resolution:

Amend the resolution by adding at the end of same the following: "but that the certificate of the Hon. Lee Tidwell, county judge of Bowie county, and re-

turning officer for the First Senatorial District, as shown by the Secretary of State's certificate of election now on file in this office showing that Hon. A. C. Oliver received a plurality of all the votes cast in the election held in said district on July 19, 1913, and was therefor elected to the office of Senator from said district; therefore, be it further

Resolved, That the said A. C. Oliver be at this time administered the oath as such Senator; but the administration of such oath shall in no way affect or prejudice the rights of the contestant, Hon. C. A. Wheeler, and said A. C. Oliver shall hold said office only pending the result of said contest, and without prejudice to the rights of any contestant.

Signed—Watson, Terrell, Nugent, Hudspeth.

The amendment was read, and Senator Brelsford moved to table the same, but pending discussion the motion was withdrawn.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator McNealus:

Resolved, That ex-Senator J. M. Terrell, who is now in the Capitol, be invited to address the Senate at a convenient time, and that he be accorded the courtesies of the Senate Chamber.

The resolution was read and adopted.

The Chair appointed Senators McNealus, Real and Astin as a committee to escort ex-Senator Terrell to the Senate Chamber.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Morrow:

Whereas, The Hon. M. M. Crane, a former member of the Senate and its presiding officer, is in the Capitol; therefore be it

Resolved, That he be extended the privileges of the Senate and invited to address the Senate.

MORROW,  
McNEALUS.

The resolution was read and adopted.

The Chair appointed Senators Morrow and McNealus as a committee to escort Mr. Crane to the President's stand.

#### RELATING TO SEATING HON. A. C. OLIVER AS MEMBER FROM THE FIRST DISTRICT.

Action recurred on the pending business, the matter of seating Hon. A. C. Oliver as member from the First District, the question being on the amendment by Senator Watson to the resolution by Senator Brelsford.

Pending discussion, Senator Morrow offered the following substitute for the amendment and resolution:

As a substitute for the resolution and amendment, I move that Dr. Oliver be seated and the contest be heard next Friday.

Senator Townsend moved to table the substitute motion.

Senator Lattimore moved the previous question on the substitute, the amendment and the resolution, which motion being duly seconded, was so ordered.

Action recurred on the motion to table the substitute motion by Senator Morrow, and the same prevailed by the following vote:

Yeas—14.

Brelsford.	Johnson.
Collins.	Lattimore.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Westbrook.
Greer.	Wiley.

Nays—12.

Astin.	Morrow.
Bailey.	Nugent.
Clark.	Real.
Harley.	Terrell.
Hudspeth.	Watson.
McNealus.	Willacy.

Present—Not Voting.

McGregor.

Absent—Excused.

Carter.

Action then recurred on the amendment by Senator Watson, and the same was lost by the following vote:

Yeas—11.

Astin.	Nugent.
Bailey.	Real.
Clark.	Terrell.
Harley.	Watson.
Hudspeth.	Willacy.
McNealus.	

## Nays—14.

Brelsford.	Lattimore.
Collins.	Morrow.
Conner.	Taylor.
Cowell.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Johnson.	Wiley.

Absent—Excused.

Carter.

## PAIRED.

Senator Darwin (present), who would vote "nay," with Senator McGregor (absent), who would vote "yea."

Action recurred on the resolution, and the same was adopted by the following vote:

## Yeas—13.

Brelsford.	Lattimore.
Collins.	Taylor.
Conner.	Townsend.
Cowell.	Warren.
Gibson.	Westbrook.
Greer.	Wiley.
Johnson.	

## Nays—12.

Astin.	Morrow.
Bailey.	Nugent.
Clark.	Real.
Harley.	Terrell.
Hudspeth.	Watson.
McNealus.	Willacy.

Absent—Excused.

Carter.

## PAIRED.

Senator Darwin (present), who would vote "yea," with Senator McGregor (absent), who would vote "nay."

Senator Townsend moved to reconsider the vote by which the resolution was adopted and lay that motion on the table.

The motion to table prevailed.

## ADJOURNMENT.

On motion of Senator Willacy, the Senate, at 12:20 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

## FIFTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, August 7, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.
Lattimore.	

Absent—Excused.

Carter.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

## SIMPLE RESOLUTION.

By Senator Clark:

Whereas, The Senate has eighteen stenographers employed who can seldom be found when wanted; therefore, be it

Resolved, That the said eighteen stenographers are hereby requested to be in the Senate Chamber from 8 o'clock a. m. and remain where they can be found when wanted until 7 o'clock p. m.

The resolution was read and adopted.

## BILLS AND RESOLUTIONS.

By Senator Townsend:

Senate bill No. 15, A bill to be entitled "An Act authorizing the Board of Prison Commissioners to work all able-bodied male convicts serving a twenty-five-year sentence or less in the State penitentiary on the public roads of this State, establishing the rules and regulations for working them, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Morning call concluded.

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bill:

House bill No. 13, A bill to be entitled "An Act to amend Chapter 150, General Laws, passed at the Regular Session of the Thirty-third Legislature, relating to application for witnesses in felony cases so as to repeal Section 4 of said chapter, which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court."

Also, the House concurs in Senate amendments to House bill No. 1.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILL ON FIRST READING.

The Chair referred, after its caption had been read, the following House bill:

House bill No. 13 to Judiciary Committee No. 1.

#### SENATE BILL NO. 6.

The Chair laid before the Senate, on second reading, and special order for this hour,

Senate bill No. 6, A bill to be entitled "An Act to amend Chapters 1 and 2, Title 104, Revised Civil Statutes of 1911, the same being an act passed by the Fourth Called Session of the Thirty-first Legislature, and entitled 'An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in certain cases; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of

1895, and all laws and parts of laws in conflict with this act,' and declaring an emergency."

The committee report with (committee) amendments was adopted.

Senator Brelsford moved that each section of the bill be called and that those who had amendments to offer be permitted to do so, and after the completion of the consideration of the bill by sections that amendments to the bill as a whole be considered; that Senators Warren and Willacy, joint authors of the bill, be given preference in the offering of amendments to each section as called.

The motion was adopted.

By unanimous consent, the consideration of the caption was postponed.

#### Section 1.

Senator Willacy offered the following amendment:

Amend by striking out Article 6172 and inserting in lieu thereof the following:

Article 6172. Section 1. That it shall be the policy of this State in the operation of its prison system to so manage and conduct the same that those convicted of violating the law and sentenced to a term in the penitentiary shall have humane treatment and be given opportunity, encouragement and training in the matter of reformation, and that the net proceeds of the prison system arising from the labor of the prisoners shall be apportioned among said prisoners by the Prison Commission, according to the classification as provided for in Section 5 of this act and paid to the wife of said prisoner, if there be a wife, for the use of said wife and children, if any, or if there be no children, then for the benefit of said wife; provided, that should the wife of said prisoner be not living or be divorced, or if said prisoner be a woman, the apportionment of net proceeds as provided for herein shall be paid to the guardian of said children, if there be such guardian, and if there be no guardian, then to some reliable person selected by the Prison Commission, for the benefit of said children; and provided further that should the prisoner have neither wife nor children, then the said apportionment may be paid to the mother, or other female relative, as the said prisoner may direct in writing to the Prison Commission; provided that not to exceed twenty per cent of said apportionment may be retained by said prisoner upon his written request to the Prison Commission. In the event that any prisoner



has neither wife nor children and has not requested in writing to the Prison Commission that his apportionment be paid to his mother or other female relative, nor revoked any such request theretofore made, then it shall be the duty of the Prison Commission, and the same is hereby directed, to remit to the State Treasurer the amount apportioned to each such prisoner within fifteen days after said apportionment is made, by check or draft upon any funds to the credit of the Prison Commission account. The State Treasurer shall act as bailee for said prisoners and shall receipt for such remittances and hold same as a fund to be hereafter known as "the Prisoners' Labor Fund," which shall be kept separate and apart from all other funds deposited, at interest, for the benefit of said prisoner or prisoners in accordance with the provisions of Chapter 164 of the Acts of the Twenty-ninth Legislature, known as "The State Depository Law."

Sec. 2. For the purposes of this act, the word "children" as used herein shall be construed to mean either plural or singular.

Sec. 3. Any prisoner having an amount to his or her credit in the prisoners' labor fund who shall escape from the prison authorities shall forfeit such amount to his or her credit to the State. Upon proof provided by the Prison Commission that a prisoner having any sum to his or her credit in the prison labor fund has escaped, the State Treasurer, acting as bailee, is hereby directed to transfer said amount to the credit of said prisoner from the prisoners' labor fund to the general revenue in the State Treasury.

Sec. 4. Any prisoner being a life prisoner who shall have a credit to his account in the prison labor fund and who may not be paroled or pardoned, or any prisoner having such credit in the prisoners' labor fund who shall die, having no wife or children, shall have the right to bequeath to any person whomsoever he may select the amount to his or her credit in said fund; provided that if no such bequest be made, then the said amount to his or her credit in said fund shall revert to the State and be covered and transferred by proper voucher into the general revenue.

Sec. 5. For the purposes of this act, it is hereby declared that all State prisoners are wealth-earning units held in trust by the State for the benefit of the dependent wives and children, if such

there be, of said prisoners, or, if there be no dependent wife or children, then for the benefit of the prisoner himself or herself, as the case may be, and that the wealth created by said prisoners over and above the cost of operating and maintaining the prison system is the rightful property of the dependent wives and children of said prisoners, except as herein provided.

Sec. 6. For the purposes of equitable proration and apportionment of any surplus earned by the prison system arising from the labor or service performed by State prisoners, over and above the cost of maintenance and operation of said system, the following percentage of labor value shall be used: For common labor, each day's work shall constitute one unit. For intermediate labor, each day's work shall constitute two units. For skilled labor, each day's work shall constitute three units. At each apportionment period, the total net proceeds of the prison system shall be divided by the total number of units as represented by the labor performed by all prisoners since the last preceding apportionment, and the quotient shall be the money value of each unit. After ascertaining the unit value, each prisoner shall be apportioned a sum equal to said unit value multiplied by the number of units represented by the labor performed by said prisoner since the last preceding apportionment and the product shall be the apportionment of net proceeds of said prison system to be credited to said prisoner and disposed of as provided for in Section 1 of this act. Provided, that the first apportionment shall be calculated upon the labor performed between the date of said first apportionment and the date of the taking effect of this act; provided, that no units shall be allowed except for such days, or parts of days, during which actual labor has been performed under the direction of the officers or managers in charge.

Sec. 7. The Prison Commission is hereby directed to classify all convicts as herein defined as soon as same may be done according to the value of the labor or service performed, and to provide rules for promotion or reduction from one class to another as the labor or service performed becomes more or less efficient, providing thereby a system of promotion as a reward and encouragement for earnest effort upon the part of the convict wards of the State that they may become proficient in some useful occupation.

Sec. 8. As often as practicable, and



at periods not less often than twelve months apart, the Prison Commission shall ascertain as near as possible the surplus arising from the labor of the State's prisoners, over and above the cost to the State for the period intervening since the last apportionment, and shall apportion said surplus as provided in Section 1 of this act. Provided, that the first apportionment shall be made on January 1, 1914, after this act takes effect, and annually thereafter on the first day of January of each year.

Sec. 9. Immediately after the taking effect of this act, the Prison Commission shall ascertain, as near as possible, the name and residence of the wife of each State prisoner, if there be such wife, and if there be no wife, then of the children and their guardian, if any, and make a record of same. As soon as apportionments are made, as provided for in Section 5 of this act, the Prison Commission shall issue a voucher upon the prison account in favor of the beneficiary as provided herein, which voucher shall be authority for the State Treasurer to pay to said beneficiary, by warrant drawn upon the prison account, the amount specified in said voucher. All vouchers shall be numbered consecutively and filed by the State Treasurer and kept subject to inspection by the Legislature and the Governor, or by their authority. Provided, that in the case of prisoners having neither wife nor children, nor any female relative to whom he or she has requested that his or her apportionment be paid, then such apportionment shall be paid by voucher upon the prison account into the prisoners' labor fund for the benefit of such prisoner, as provided in Section 1 of this act.

Sec. 10. Any prisoner who shall exercise his or her right to retain twenty per cent of his or her apportionment shall have the privilege of depositing all or any part of it in the prisoners' labor fund, said deposit to be subject to his or her disposition and direction. Provided, that in the event of the death of such prisoner the amount so deposited in the prisoners' labor fund shall be paid to the wife of said prisoner or to his or her children, according to the provisions of Section 1 of this act.

Sec. 11. Should any prisoner having an account to his or her credit in the prisoners' labor fund be paroled or conditionally pardoned, it is hereby made the duty of the State Treasurer, upon proof of the issuance of said parole, to pay to said paroled or conditionally pardoned prisoner one-half of the amount

to the credit of said paroled or conditionally pardoned prisoner in the prisoners' labor fund, the remainder to be paid to said prisoner upon the expiration of his or her term of sentence, whether said term expires by process of time or by pardon. Provided, that if said credit in the prisoners' labor fund represents, in whole or in part, the twenty per cent of apportionment retained by said prisoners, as provided for in Section 1 of this act, then the State Treasurer shall issue a warrant for the full amount of said credit in favor of said paroled or conditionally pardoned prisoner.

Sec. 12. In ascertaining the proceeds of the prison system over and above the cost of maintenance and operation, the Prison Commission shall not consider nor charge any interest upon the value of the prison system as the same now exists. Provided, however, that interest at not to exceed five per cent may be charged and included in cost of maintenance upon all future enlargements and betterments, and provided further, that the cost of enlargements and betterments, including clearing and ditching land, the erection of buildings and the purchase of land, shall be provided for by direct appropriation out of the general revenue in the State Treasury by the Legislature or by the proceeds of the issuance and sale of bonds as may be authorized by law, and that said enlargements and betterments shall not be charged against the proceeds of the prison system, it being the purpose of this act that the State of Texas shall not acquire property, or profit, at the expense of the State's convicts, nor of their dependent wives and children.

Sec. 13. All prisoners physically able to perform ordinary labor, who shall refuse to perform the labor assigned them by proper officers, or managers, shall have charged against them, which sum shall be deducted from the total value of their labor units, a charge equal, as near as may be determined, to the cost of his or her maintenance and support for the period of time such prisoner may refuse to work.

WILLACY,  
WARREN,  
HUDSPETH.

#### SIMPLE RESOLUTION.

By Senator Lattimore:

Whereas, The 5th of August, 1913, was a day made memorable in the desert of legislative life by the Oasis of Idlewyld inhabited by the Clan Mc-

Gregor, watered by the refreshing fountains of buttermilk and cold water, fanned by the breeze of post-prandial political and perspiring oratory, fed by the choicest Angora, Shropshire, Hereford and "bread as your mother made it"; and

Whereas, We desire to express our profound appreciation of the courtesy and hospitality of Senator McGregor and his charming wife; therefore, be it

Resolved, That the Senate express its sincere appreciation of the barbecue given and of the treatment accorded us by our fellow Senator and those who aided him.

Signed—By all the Senators.

The resolution was read and unanimously adopted.

# RECESS.

On motion of Senator Westbrook, the Senate, at 12:15 o'clock p. m., recessed until 3 o'clock today.

# AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes and, on motion of Senator Watson, was at ease subject to call of the Chair.

The Senate was called to order at 3:15 o'clock.

# SENATE BILL NO. 12.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 12, A bill to be entitled "An Act to amend Chapter 132 of the Acts of the Thirty-third Legislature, entitled 'An Act to provide for indeterminate sentences of persons convicted of certain crimes; for the termination of such sentences and the release of such persons on parole; providing for exemption from the operations of the laws in certain cases, and repealing all laws in conflict herewith, and declaring an emergency.'"

The bill was read second time, and Senator Morrow moved that the committee (floor) report, as printed in the Journal on August 1, be adopted.

The motion prevailed.

Senator Watson offered the following amendment:

Amend the bill by striking out all

after line 14, page 1, and insert in lieu thereof the following:

"Section 1. That Chapter 132 of the Acts of the Thirty-third Legislature of the State of Texas be and the same is hereby repealed."

The amendment was read, and Senator Morrow moved to table the same, which motion prevailed by the following vote:

Yeas—15.

Bailey.	Hudspeth.
Brelsford.	McNealus.
Clark.	Morrow.
Collins.	Terrell.
Conner.	Warren.
Cowell.	Westbrook.
Gibson.	Wiley.
Harley.	

Nays—7.

Astin.	Nugent.
Darwin.	Townsend.
Greer.	Watson.
Lattimore.	

Absent.

Johnson.	Taylor.
McGregor.	Willacy.
Real.	

Absent—Excused.

Carter.

Senator Lattimore offered the following amendment:

Amend bill, page 2, line 2, by striking out the words "The jury in their verdict." and inserting in lieu thereof the word, "Law."

The amendment was read, and on motion of Senator Morrow, tabled.

Senator Warren offered the following amendment, which was read and adopted:

Amend the bill by striking out of line 15, page 1, the words "section 1 of said act," and insert in lieu thereof the following: "Chapter 132 of the Acts of the Regular Session of the Thirty-third Legislature."

Senator Clark moved the previous question on the engrossment of the bill, which motion being duly seconded, was so ordered.

The bill, having been read second time, was passed to engrossment by the following vote:

Yeas—21.

Bailey.	Cowell.
Brelsford.	Darwin.
Clark.	Gibson.
Collins.	Harley.
Conner.	Hudspeth.

Lattimore.	Warren.
McNealus.	Watson.
Morrow.	Westbrook.
Nugent.	Wiley.
Real.	Willacy.
Terrell.	

Nays—3.

Astin.	Townsend.
Greer.	

Absent.

Johnson.	Taylor.
McGregor.	

Absent—Excused.

Carter.

On motion of Senator Morrow, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Astin.	Lattimore.
Bailey.	McNealus.
Brelsford.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.	Taylor.
McGregor.	

Absent—Excused.

Carter.

The bill was read third time and passed by the following vote:

Yeas—21.

Bailey.	McNealus.
Brelsford.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Terrell.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Lattimore.	

Nays—3.

Astin.	Townsend.
Greer.	

Absent.

Johnson.	Taylor.
McGregor.	

Absent—Excused.

Carter.

Senator Morrow moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Watson:

Be it resolved by the Senate, That in the matter of the contest of Hon. C. A. Wheeler against Hon. A. C. Oliver for a seat in this body as Senator from the First Senatorial District, which contest has been set down for hearing on August 11, 1913, before the Committee on Privileges and Elections, that both the contestant and contestee be permitted to employ counsel of their own selection to represent them in said contest and that a reasonable fee be paid said attorneys out of the Contingent Expense Fund of this Senate.

The resolution was read and the Chair referred same to Committee on Contingent Expenses.

## SENATE BILL NO. 6.

(Pending Business.)

Action recurred on the pending business, Senate bill No. 6, the penitentiary bill, the question being on the pending amendment by Senator Willacy et al.

Senator Westbrook offered the following amendment to the amendment:

Amend the amendment on the last page by adding after the word "work" in the last line of the amendment the following:

"Provided, that a prisoner confined in the penitentiary who is serving a sentence for murder must contribute to the dependents of his victim such an amount of his earnings proportionate to the number of those dependent upon him, to the number of dependents of his victim."

Senator Collins made the point of order that the amendment to the amendment was not germane, the same being in conflict with the Constitution.

The Chair sustained the point of order.

Senator Wiley offered the following substitute for the pending amendment:

"Article 6172, Section 1. It is and shall be the policy of this State in the operation of its prison system to so manage and conduct the same that those convicted of violating the law and sentenced to a term in the penitentiary shall have humane treatment and be given opportunity, encouragement and training in the matter of reformation. and that the prison system, by and with the aid and assistance of the manager hereinafter provided for, shall on or before the first day of January, A. D. 1914, make and adopt a full and complete schedule of wages commensurate and in keeping with the schedule of wages paid for like services performed by free labor in the community in which the prison labor is performed. and shall classify all prisoners, assigning those who are able to perform any manner of labor to such employment as in the judgment of the manager may be to the best interest of the prison system, giving full consideration to the character of service to be performed and to the ability, skillfulness and qualifications of the prisoner assigned to duty. It shall be the duty of the Prison Commission, acting by and through its manager, to open and keep an individual account with each and every convict, crediting each and every individual convict on the first day of each and every month with the gross amount due him for labor performed during the month just closed.

"Sec. 2. The Prison Commission, acting by and through its manager, shall furnish, or cause to be furnished to each and every convict, such food and clothing as may be necessary, charging each individual convict's account with items of clothing so furnished, the price of which shall be the actual cost to the Prison Commission. No charge shall be made for lodging, board and washing, but the cost of these items shall be taken into account and provided for in making and establishing a scale of wage to be paid to the convicts.

Sec. 3. No convict shall be charged with the cost of any medical attention or medicine administered during his period of confinement.

Sec. 4. No convict shall receive any pay for time during sickness or confinement in the hospital ward, and no charge shall be made against any convict for the items of board, clothing, medical assistance, or other necessities, or assistance rendered while such convict is sick or confined in the hospital ward.

Sec. 5. The manager may permit the

convicts to buy such articles of food or clothing, books, stationery, etc., in addition to such as may be furnished by the prison system, or in his judgment may be in keeping with the convict's station in life, charging the allowance for such purchases to the convict's account.

Sec. 6. An overhead charge of 10 per cent of the net earnings of each and every convict shall be made and charged to the convict's account and credited to the general revenue of the prison system, which amount shall be in lieu of any hospital or medical charged, and for administrative attention.

Sec. 7. The cost of guards for Classes 2, 3 and 4 hereinafter provided for shall be prorated according to the number of men in each class, and the proportional charge of each class charged to the various convicts in the class, provided no convict shall be charged more than three and one-half dollars per month for guard service.

Sec. 8. Ninety per cent of the net monthly proceeds of the convict's earnings shall be paid to his dependent ones, if any, in the following order, namely:

1. The wife, if not divorced, for the use of herself and minor children, if any.
2. To minor children, through their guardian, if the wife be divorced or dead.
3. If convict has no wife or minor children dependent upon him, then the amount shall be paid to either dependent father or mother.

4. If a convict has neither dependent wife, children, father or mother the net earnings shall be permitted to accumulate for the benefit of the convict, and become due and payable to him upon expiration of sentence, or when he may be paroled or pardoned. All payments of funds shall be made in the usual manner of paying out funds of the prison system.

Sec. 9. In the event of death of convict all money due him by the prison system shall be distributed under the law governing the descent and distribution of property.

Sec. 10. That part of this act placing convicts upon a wage scale shall be in full force and effect from and after January 1, 1914.

The substitute for the amendment was read, and lost by the following vote:

Yeas—2.

Townsend.

Wiley.

Nays—23.

Astin.

Brelsford.

Clark.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Harley.  
Hudspeth.  
Johnson.  
Lattimore.

McNealus.  
Morrow.  
Nugent.  
Real.  
Taylor.  
Terrell.  
Warren.  
Watson.  
Westbrook.  
Willacy.

Absent.

Bailey.                      McGregor.

Absent—Excused.

Carter.

Action recurred on the amendment, and the same was adopted by the following vote:

Yeas—17.

Bailey.	Real.
Clark.	Taylor.
Collins.	Terrell.
Gibson.	Townsend.
Harley.	Warren.
Hudspeth.	Watson.
Johnson.	Westbrook.
Morrow.	Willacy.
Nugent.	

Nays—9.

Astin.	Greer.
Brelsford.	Lattimore.
Conner.	McNealus.
Cowell.	Wiley.
Darwin.	

Absent.

McGregor.

Absent—Excused.

Carter.

#### ADJOURNMENT.

On motion of Senator Clark, the Senate, at 5:45 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

#### APPENDIX.

#### HOUSE CONCURRENT RESOLUTION SIGNED.

The Chair (Lieutenant Governor Mayes) gave notice of signing, and did sign, after its caption had been read, the following concurrent resolution:

House Concurrent Resolution No. 5,

Relating to pay of Penitentiary Investigating Committee, with reference to recommending pardons to certain classes of convicts.

#### SIXTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Friday, August 8, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.
Lattimore.	

Absent—Excused.

Carter.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Taylor.

(See Appendix for standing committee reports.)

#### INVITATION TO VISIT FORT STOCKTON.

Senator Hudspeth presented an invitation from the Commercial Club of Fort Stockton, inviting the Legislature to visit that place, which was read and accepted by the Senate.

#### SENATE CONCURRENT RESOLUTION NO. 3.

By Senators Astin and Terrell:

Whereas, There is now pending in the Federal Congress what is known as the Clark amendment to the tariff bill, which imposes a tax of one-tenth of a cent a pound on all cotton contracts, which is equivalent to 50 cents a bale or \$50 per contract of 100 bales, which is prohibitive and would destroy the functions of

all legitimate future dealings on the part of the cotton producer and prohibit the hedging of contracts by the cotton farmer; and,

Whereas, Said Clark amendment, if adopted, would seriously affect the price of the South's most staple product and would therefore be destructive of the interests of the people of the South and the cotton producer especially; therefore be it

Resolved by the Senate of Texas, the House concurring, That our Texas delegation in Congress be requested to vote against said Clark amendment and use all their influence to defeat it.

The resolution was read, and Senator Collins moved that same be referred to Committee on Commerce and Manufactures.

Senator Hudspeth offered the following amendment:

Amend the resolution by adding after the word "cotton" wherever it occurs the words "wool" and "mohair."

The amendment was read, and

The motion by Senator Collins to refer the resolution and the amendment to Committee on Commerce and Manufactures was adopted.

#### SIMPLE RESOLUTION.

By Senator Johnson:

Whereas, Hon. John W. Veale, a former member of this Senate, is in the city; therefore be it

Resolved, That he be invited to address the Senate.

The resolution was read and adopted.

#### SENATE CONCURRENT RESOLUTION NO. 4.

By Senator Lattimore:

Be it resolved by the Senate of Texas, the House concurring, That Hon. James W. Swayne, judge of the Seventeenth Judicial District of Texas, is hereby granted leave of absence to be away from his district and from the State of Texas at any time during the months of July, August and September of the year 1913 and the year 1914 which he may desire, for which absence this shall be his authority.

The resolution was read and referred to Committee on State Affairs.

Morning call concluded.

#### SENATE BILL NO. 6.

(Pending Business.)

Action recurred on Senate bill No. 6,

the penitentiary bill, the consideration of Section 1 being resumed.

Senator Brelsford offered the following amendment:

Amend by adding the following after the word "charge" at end of Section 6, of Article 6172, as amended: "Provided, that before distribution of any net profits as hereinbefore provided, there shall be set aside 10 per cent of said net profits as a surplus fund, and provided that said surplus fund shall be available for the purpose of meeting in whole or part any deficit that may arise in the operation of said system, and provided that the said surplus fund shall be disposed of by the Legislature as it may determine."

Senator Watson offered the following amendment to the amendment:

Amend the amendment by striking out "10 per cent" and insert in lieu thereof "50 per cent."

Senator Brelsford moved to table the amendment to the amendment, which motion to table prevailed.

Senator Hudspeth moved to table the amendment, and

Senator Westbrook moved the previous question on the amendment, which motion being duly seconded was so ordered.

Action recurred on the motion to table the amendment, and the motion was lost by the following vote:

Yeas—12.

Clark.	Taylor.
Collins.	Terrell.
Harley.	Warren.
Hudspeth.	Watson.
Johnson.	Westbrook.
Nugent.	Willacy.

Nays—13.

Astin.	Lattimore.
Brelsford.	McGregor.
Conner.	McNealus.
Cowell.	Real.
Darwin.	Townsend.
Gibson.	Wiley.
Greer.	

Absent.

Bailey.	Morrow.
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Absent—Excused.

Carter.

Action recurred on the amendment, and the same was adopted by the following vote:

Yeas—13.

Astin.	Conner.
Brelsford.	Cowell.



Darwin.  
Gibson.  
Greer.  
Lattimore.  
McGregor.

McNealus.  
Real.  
Townsend.  
Wiley.

Nays—12.

Clark.  
Collins.  
Harley.  
Hudspeth.  
Johnson.  
Nugent.

Taylor.  
Terrell.  
Warren.  
Watson.  
Westbrook.  
Willacy.

Absent.

Bailey.

Morrow.

Absent—Excused.

Carter.

Senator Brelsford moved to reconsider the vote by which the amendment was adopted and table that motion.

The motion to table prevailed.

#### SPECIAL COMMITTEE REPORT.

Senator Brelsford, on part of the committee having in charge of the printing of the report of the Penitentiary Investigating Committee, reported that 200 copies of the report had been received and 31 of same had been delivered to the members of the Senate and 142 to the members of the House; that the committee had had printed 1000 for the use of the Senate and 1000 for the House.

Senator Clark moved that each Senator and the Lieutenant Governor be furnished 25 copies each of the report out of the 1000 received by the Senate, and that the remainder be delivered to the Secretary of State.

The motion prevailed.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Watson:

Be it resolved by the Senate, That the Hon. Robert Astin, Senator for and from the A. and M. College, be added to the Committee on Commerce and Manufactures.

The resolution was read and adopted.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Lattimore:

Be it resolved, That a committee composed of Senators Taylor, Real and

Westbrook be appointed and instructed to proceed at once to see to the hanging of the picture of the Thirty-third Senate of Texas in the Senate Chamber. The resolution was read and adopted.

#### RECESS.

On motion of Senator Clark, the Senate, at 12:15 o'clock p. m., recessed until 2:30 o'clock today.

#### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

#### SENATE BILL NO. 6.

(Pending Business.)

Action recurred on the pending business, the penitentiary bill.

Consideration of Article 6173 was called.

Senator Warren offered the following amendment, which was read and adopted:

Amend the bill, page 2, line 23, by inserting after the word "may" the word "hereafter."

Article 6174 was called, and

Senator Warren offered the following amendments, separate, which were read and adopted:

(1)

Amend the bill page 2, line 26, by inserting after the word "owned" the words "or controlled."

(2)

Amend the bill, page 2, by striking out the word "nor," in line 28, and all the remainder of Article 6174, and insert in lieu thereof the following: "nor shall any prisoner be worked upon any farm or place other than that owned or controlled by the State of Texas, except as hereinafter provided."

Article 6173 was again called, by unanimous consent.

Senator McGregor offered the following amendment, which was read and adopted:

Amend Article 6173, page 2, line 22, by inserting after the word "farms" and before the word "or" the words "roads and highways."

Senator McGregor offered the following amendment:

Amend Article 6174, page 2, line 26, by inserting after the word "walls" and before the word "and" the words "upon public roads and highways."

Senator Warren moved to table the amendment, which motion to table was adopted by the following vote:

## Yeas—14.

Clark.	Real.
Collins.	Taylor.
Gibson.	Warren.
Hudspeth.	Watson.
Johnson.	Westbrook.
Morrow.	Wiley.
Nugent.	Willacy.

## Nays—12.

Astin.	Greer.
Bailey.	Lattimore.
Brelsford.	McGregor.
Conner.	McNealus.
Cowell.	Terrell.
Darwin.	Townsend.

## Absent.

Harley.

## Absent—Excused.

Carter.

Senator Westbrook moved to rescind the vote by which the first amendment to Article 6173, by Senator McGregor, was adopted, which motion to rescind was adopted by the following vote:

## Yeas—14.

Clark.	Real.
Collins.	Taylor.
Gibson.	Warren.
Harley.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Nugent.	Willacy.

## Nays—12.

Astin.	Lattimore.
Brelsford.	McGregor.
Conner.	McNealus.
Cowell.	Morrow.
Darwin.	Terrell.
Greer.	Townsend.

## Absent.

Bailey.

## Absent—Excused.

Carter.

On motion of Senator Collins, the amendment was tabled by the following vote:

## Yeas—14.

Clark.	Real.
Collins.	Taylor.
Gibson.	Warren.
Harley.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Nugent.	Willacy.

## Nays—13.

Astin.	Lattimore.
Bailey.	McGregor.
Brelsford.	McNealus.
Conner.	Morrow.
Cowell.	Terrell.
Darwin.	Townsend.
Greer.	

## Absent—Excused.

Carter.

Article 6175 was called.

Senator Warren offered the following amendment, which was read and adopted:

Amend the bill, Article 6175, page 3, lines 16, 17 and 18, by striking out all in line 16 after the word "qualification," and all of line 17 and all of line 18 to and including the word "appointment," and in lieu thereof insert the following: "Their terms to be decided by lot after they shall have qualified and one Prison Commissioner shall be appointed every two years thereafter. In case of a vacancy in said office, the Governor of this State shall fill said vacancy by appointment for the unexpired term thereof."

Senator Wiley offered the following amendments, separately, which were read and adopted:

No. 1. Amend the bill, page 3, line 13, by striking out the word "two" and inserting the word "six."

No. 2. Amend the bill, page 3, lines 20 and 21, by striking out the following: "Subject to the approval of the Governor and shall be."

Senator Hudspeth offered the following amendment:

Amend the bill, page 3, line 25, by adding after the word "day," in said line, the following: "For not exceeding 100 days in any calendar year."

Senator Taylor offered the following substitute for the amendment:

Amend the bill, line 25, page 3, by substituting "\$360" for "\$6" and substituting "year" for "day."

Senator Brelsford made the point of order that the amendment and substitute were not germane, in that the Constitution fixed the term of office for the Prison Commission and that the Legislature could not, by law, reduce the salary of the Commissioners to the extent that would be equivalent to the abolishment of the constitutional office.

The Chair, Lieutenant Governor Mayes, sustained the point of order.

Senator Conner offered the following amendment:

Amend the bill, page 3, at the end of Article 6175. by adding Article 6175a, to read as follows:

"Article 6175a. Each member of said commission shall, within ten days after his appointment and before he enters upon the discharge of his duties, execute a bond payable to the Governor of this State and his successors in office for the use of the State in the sum of fifty thousand dollars, conditioned that he will faithfully perform the duties of his office, which said bond shall be executed with two or more good and sufficient sureties, or with some fidelity, indemnity or bonding company authorized to do business in Texas; the form of which bond shall be prepared by the Attorney General and the sufficiency of the sureties thereon approved by and be filed with the Secretary of State, which said bond shall not be void on the first recovery of part or whole of the penalty, but shall thereafter continue in force for the whole amount of the penalty thereof and may be sued on from time to time and shall be deemed to extend to the faithful performance of the duties of his trust until his successor shall be duly qualified and shall have entered upon the duties of his office. And it shall be the duty of the Attorney General, upon notice of default or failure to perform the duties as contemplated by law by any number of said Prison Commission to bring suit in any court of competent jurisdiction in Travis county, Texas, for the forfeiture and collection of said bond. And before entering upon the duties of his office each member of said board shall take and subscribe the oath of office prescribed by the Constitution of this State."

Senator McGregor offered the following amendment to the amendment:

Amend the amendment by adding the following: "And each member of such board shall devote his entire time and attention to the duties of his office."

On motion of Senator Warren the amendment to the amendment was tabled.

Senator Warren offered the following amendment to the amendment, which was read and adopted:

Amend the amendment by substituting "\$20,000" for "\$50,000."

The amendment, as amended, was then adopted.

Senator Nugent offered the following amendment:

Amend the bill, page 3, line 25, by striking out the word "six" and inserting in lieu thereof the word "ten."

### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Taylor:

Resolved, That His Excellency, Governor O. B. Colquitt, be cordially invited to address the Senate on a date that will suit his pleasure.

The resolution was read, and Senator McNealus moved that same be referred to Committee on State Affairs, which motion was lost by the following vote:

Yeas—4

Brelsford.  
Conner.

Greer.  
Warren.

Nays—19.

Astin.  
Bailey.  
Collins.  
Cowell.  
Gibson.  
Harley.  
Hudspeth.  
Johnson.  
Lattimore.  
McGregor.

McNealus.  
Nugent.  
Taylor.  
Terrell.  
Townsend.  
Watson.  
Westbrook.  
Wiley.  
Willacy.

Present—Not Voting.

Morrow.

Absent.

Clark.  
Darwin.

Reed.

Absent—Excused.

Carter.

The resolution was then adopted.

### SENATE BILL NO. 6.

(Pending Business.)

Action recurred on the pending business, Senate bill No. 6, the penitentiary bill.

Senator Lattimore offered the following amendment:

Amend the bill, page 3, line 16, by inserting after the word "qualification" the following: "One of said Commissioners shall be a farmer, and shall have had ten years practical experience as a farmer. One of said Commissioners shall be a school teacher or superintendent of

schools, and shall have had ten years practical experience as a teacher. One of said Commissioners shall be a practical business man of profession other than either of the above and shall have had at least ten years business experience."

Senator Watson made the point of order on the amendment that the Legislature could not fix the qualification of the Prison Commission, in that the Constitution vested the power of appointment in the hands of the Governor.

The Chair overruled the point of order. The amendment was lost.

Article 6176 was called.

Senator Warren offered the following amendments, separately, which were read and adopted:

Amend the bill, page 3, line 30, by inserting after the word "thereof" the following: "subject to legislative authority."

Amend the bill, page 4, line 3, by inserting after the word "Board" the following: "nor any officer or employe of said prison system."

Senator Hudspeth offered the following amendment:

Amend the bill by striking out the words "shall make or approve" and insert in lieu thereof the following: "may provide for."

The amendment was read and adopted by the following vote:

Yeas—12.

Collins.	Johnson.
Conner.	Morrow.
Cowell.	Nugent.
Gibson.	Real.
Harley.	Taylor.
Hudspeth.	Watson.

Nays—10.

Astin.	Townsend.
Brelsford.	Warren.
Greer.	Westbrook.
Lattimore.	Wiley.
Terrell.	Willacy.

Present—Not Voting.

Bailey.	McNealus.
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Absent.

Clark.	McGregor.
Darwin.	

Absent—Excused.

Carter.

Senator Brelsford offered the following amendment, which was read and adopted:

Amend Article 6176, page 3, line 31, by adding after the word "penitentiary" the word "buildings."

Senator Lattimore offered the following amendment, which was read and adopted:

Amend bill, page 4, at end of Article 6176, by adding to said article a comma and the following: "and shall invalidate any such contract to or in which such commissioner, officer or employe was a party."

Senator Wiley offered the following amendment, which was read and adopted:

Amend the bill, page 3, line 28, by striking out the words "State penitentiaries" and inserting the words "prison system of this State," and in line 29 by striking out the word "said" and inserting the word "the."

Senator Lattimore offered the following amendment, which was read and adopted:

Amend bill, page 4, line 1, by inserting after the word "State" the following: "which shall cost more than \$100."

Article 6177 was called.

Senator Warren offered the following amendments, separately, which were read and adopted:

(1)

Amend the bill, page 4, line 11, by striking out the word "exclusive."

(2)

Amend the bill, page 4, line 20, by striking out the word "all" where it occurs the second time.

(3)

Amend the bill, page 4, line 25, by inserting after the word "commission" the words "or otherwise."

(4)

Amend the bill, page 4, line 27, by striking out the word "for" and insert in lieu thereof the word "upon."

Senator Wiley offered the following amendment, which was read and adopted:

Amend the bill, page 4, line 18, by striking out all of line 18 after the word "office" down to and including the word "Commission," in line 19, and insert the following: "The manager of the prison system, with the approval of the Prison Commission," and strike out the word "their," in line 19, and insert the word "his." And strike out the word "they," in line 22, and insert the word "he." And strike out the words

"including a secretary of the Prison Commission" in line 22.

Article 6178 was called.

Senator Warren offered the following amendment:

Amend the bill, page 4, line 32, by striking out the word "any" and by inserting after the word "system" the following: "who shall have been appointed by them."

WARREN,  
WILLACY,  
HUDSPETH.

Senator Lattimore offered the following substitute for the amendment:

Substitute for pending amendments by striking out the words "The Prison Commission," in lines 30 and 31, and inserting in lieu thereof the following: "The manager of the prison system."

The substitute was adopted.

The amendment, as substituted, was adopted.

Senator Wiley offered the following amendment, which was read and adopted:

Amend the bill, page 4, by striking out of lines 28 and 29 the following: "A majority of said Prison Commission shall constitute a quorum for the transaction of business."

Article 6179, was called.

Senator Warren offered the following amendment:

Amend the bill, page 5, line 6, by striking out the words "lands, buildings."

Senator Lattimore offered the following substitute:

Substitute for pending amendment: Strike out, in line 4, page 5, the words "Prison Commission" and insert in lieu thereof the words "manager of the prison system," and by striking out, in line 6, page 5, the words "lands, buildings."

Senator Nugent moved to rescind the vote by which the amendment making the salary of the Prison Commissioners \$10 per day.

Senator Townsend made the point of order that Senator Nugent voted for the amendment and could not make the motion to rescind.

The Chair sustained the point of order.

#### ADJOURNMENT.

On motion of Senator Morrow, the Senate, at 6:25 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

#### APPENDIX.

#### BILL SIGNED.

The Chair, Lieutenant Governor

Mayes, gave notice of signing, and did sign, in the presence of the Senate. after its caption had been read, the following House bill:

House bill No. 1, "An Act making appropriations to pay salaries of judges, and for the support of the judicial department of the State government for two years beginning September 1, 1913, and ending August 31, 1915, and declaring an emergency."

#### COMMITTEE REPORTS.

Committee Room.

Austin, Texas, August 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 4. A bill to be entitled "An Act providing for the election of United States Senators from Texas to Congress of the United States, and providing for the selection and nomination of candidates therefor, defining violations of this act, fixing the punishment therefor, and limiting the campaign expenses of candidates for United States Senator,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that Senate bill No. 3 be passed in lieu of said House bill No. 4.

BRELSFORD, Chairman.

Committee Room.

Austin, Texas, August 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred Senate Concurrent Resolution No. 4, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BRELSFORD, Chairman.

Committee Room.

Austin, Texas, August 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

Senate bill No. 15. A bill to be entitled "An Act authorizing the Board of Prison Commissioners to work all able-bodied male convicts serving a twenty-five-year sentence or less in the State penitentiary

on the public roads of this State, establishing the rules and regulations for working them, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, August 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: A minority of your Committee on State Affairs, to whom was referred

Senate bill No. 15, A bill to be entitled "An Act authorizing the Board of Prison Commissioners to work all able-bodied male convicts serving a twenty-five-year sentence or less in the State penitentiary on the public roads of this State, establishing the rules and regulations for working them and declaring an emergency,"

Have had the same under consideration and report the same back to the Senate with the recommendation that it do not pass.

WATSON.

Committee Room,  
Austin, Texas, August 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 10, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State of all stocks, bonds and other obligations of private foreign and domestic corporations or associations in the organization and promotion thereof, organized or proposed to be organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of stocks, bonds or other obligations of such corporations or associations, defining 'promoters,' 'securities' and 'trustees'; fixing commission and promotion fees; providing a penalty for the violation of the provisions hereof and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that the following substitute do pass in lieu thereof:

A bill to be entitled "An Act to regu-

late and supervise the sale and purchase in this State of all stocks, bonds and other obligations of private, foreign and domestic corporations or associations, in the organization and promotion thereof, organized or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stocks, bonds or other obligations of such corporations, proposed corporations, or associations; defining 'promoters,' 'securities' and 'trustees'; fixing commission and promotion fees allowed to be charged; providing for examination fees; providing a penalty for the violation of the provisions hereof; exempting certain corporations, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Every private corporation or association, foreign or domestic, which has been, is now being, or may hereafter be, or attempted to be, organized for profit, which shall, directly or indirectly, through itself, its agents or employees, or through any person or association of persons, holding companies, sales companies, all of which are hereinafter referred to and called "promoters," in this State, sell or contract to sell any stocks or other obligations of such corporation, proposed corporation or association, all of which are hereinafter referred to as "securities," in the organization of which, or promotion thereof, any part of the proceeds to be derived therefrom are to be used, directly or indirectly, for the payment of any commission, promotion fee or organization fee, or other expenses incident, directly or indirectly, to the organization or promotion of such corporation, proposed corporation or association, except attorney's fees, charter fees and permit fees, shall be subjected to this act.

Sec. 2. Such promoters shall, before offering for sale or contracting to sell, directly or indirectly, any securities for the purpose of organizing any corporation, foreign or domestic, or association under the laws of this State, make and enter into contract with one or more banks, trust companies, or banks and trust companies, authorized to do business in this State, hereinafter referred to as trustee or trustees, having a capital stock of not less than twenty-five thousand dollars and which shall have been in business in this State for at least one year prior thereto, to act as



trustee or trustees for the collection of all moneys or things of value for which such securities are sold or exchanged, and shall print, or cause to be printed, in addition to any other matter on such securities, the following: "All payments in cash for this security must be made to the (here name the trustee) located at (here give the exact location of such trustee) by check, draft or money order." And if property other than cash is taken or exchanged for said securities, such securities shall further state: "And all other property than cash taken in exchange for this security shall be payable to, transferred or conveyed to, this bank or trust company (as the case may be) as trustee." Such security shall also contain the written consent of the trustee to act as such trustee for the collection and distribution of all moneys or property for which this security is sold or exchanged, as follows: "We hereby agree to act as trustee for the collection and distribution of all moneys or other property for which this security is sold" (to which must be written or printed the name of the trustee).

Sec. 3. All agreements or contracts with any such trustee to act as such trustee must be in writing; and within five days after such agreement or contract is made such trustee shall forward, by registered mail, to the Commissioner of Banking and Insurance of this State, a certified copy thereof, together with a fee of five dollars; which said contract shall be by said Commissioner filed and properly indexed in a convenient form for future reference. And if such trustee is a bank or trust company organized under the laws of this State, said Commissioner shall have the same supervision over it as he would have over any other contract or obligation by such bank or trust company. If such trustee is under the supervision of any other department of this State, then said Commissioner shall be furnished with two such copies, one of which he shall forward to the proper authorities for the supervision of such corporation in this State, and the other he shall file as herein provided for banks and trust companies, or banks organized under the laws of this State.

Sec. 4. The agents or person selling such securities shall not be permitted to collect, in his or their own name, any part of the proceeds for which such securities are sold or exchanged, but all such payments shall be made direct to

such trustee by check, draft, money order or note, payable to such trustee, or by proper transfer or conveyance.

Sec. 5. Such trustee shall be authorized to pay, as and when collected in cash, to the promoter on each individual sale, only that portion of such securities to be paid for promotion fees, which in no instance shall exceed twenty per cent, including all expenses relating to such organization or incorporation; the balance, as and when collected, shall be paid by it to the trustees or directors of such corporation or association; provided that no money other than promotion fees shall be paid, or property transferred or conveyed by the trustee to any one until after the charter has been granted, or permit to do business in this State, if a foreign corporation, has been obtained, and provided further:

(a) When a sufficient amount of money has been collected and the required amount of stock has been subscribed for, to authorize the incorporation thereof, or the granting of a permit to do business in this State, under the laws of this State, then such trustee shall, as and when any charter or permit is applied for, address an itemized statement under oath by one of its active executive officers, to the Secretary of State, showing the total amount of securities sold and reported to it, the said trustee; the total sum for which same were sold; the amount of money paid to the promoters, and the amount of money then on deposit with such trustee to the credit of said proposed corporation or association.

(b) If property of any kind is taken in lieu of cash, the Secretary of State shall at once examine such property so taken, in person or by a duly authorized agent, and for such services the Secretary of State shall be paid a fee of ten dollars per day for the time required to make such examination, together with all necessary hotel bills and traveling expenses. If in all other respects the laws of this State have been complied with, and the Secretary of State is satisfied from such examination that the total value of such property is worth the amount of money for which the same was taken, the Secretary of State shall grant such charter or permit to do business in this State; but if not so satisfied, then he shall refuse to grant such charter or permit.

(c) Nothing herein, however, shall prevent such promoters from bringing

suit by mandamus, as in other such suits, in the district court of Travis county, Texas, to require the Secretary of State to grant such charter or permit; and if it be determined by final judgment in such suit that the promoters have complied with all the requirements of this act, and all other laws of this State relative to the organization of such corporation or association, then the Secretary of State shall grant such charter or permit.

Sec. 6. After such charter or permit has been granted, such trustee shall then convey or transfer, by proper conveyance or transfer, all property so received by it up to that time to said corporation or association; provided, that should property of any kind be taken for promotion fees in lieu of cash, such property shall not be taken for a less sum than the same was taken by the promoters, in exchange for such securities.

Sec. 7. This act shall apply as well to securities sold after such charter or permit is granted as before, or to the increase of the capital stock of any corporation or association; provided, such securities are sold in the promotion thereof and out of which a promotion fee is paid; and by "promotion" is meant the organization or increase of the capital stock of such corporation or association; provided further, that such trustee or trustees may, after the charter or permit is granted, pay any moneys, as and when collected, from the sale of such securities; but any other property received by such trustee or trustees shall be conveyed or transferred to such corporation or association, only after report has been made and acted upon by the Secretary of State, as provided in Subdivisions (a), (b) and (c) of Section 5 of this act. Such corporation or association and such trustee or trustees may, at any time within two years after such charter or permit is granted, make such report, and if this law has been complied with, such trustee or trustees shall then transfer or convey to such corporation or association the said property so held by it.

Sec. 8. Every such corporation or association shall, within two years after its charter or permit is granted, make report to the Secretary of State as is required by Article 1141 of the Revised Statutes of the State of Texas, and in addition to the requirements of said article, report to the Secretary of State, under oath made by the president, vice president or secretary, the amount of

money paid for promotion, and to whom paid; and if in property other than cash, such report shall particularly describe such property, to whom it was transferred or conveyed, the amount of money for which such promoter or promoters accepted the same in exchange for such securities, and the amount of money for which such promoter or promoters or agent accepted the same as commission or promotion fees, and such report shall also be accompanied by the report of the trustee or trustees, as provided in Subdivision (a) of Section 5 of this act.

Sec. 9. Every foreign corporation or proposed foreign corporation or association desiring to sell or contract to sell its securities in this State, in the promotion thereof and out of which a promotion fee is paid, shall first file with the Commissioner of Banking and Insurance of this State a like power of attorney to that provided for life insurance corporations in Article 4773, Revised Civil Statutes of the State of Texas of 1911; and services may be had upon such corporation, or association, and the said Commissioner as therein provided for; and said Commissioner upon receipt of such process shall proceed as it provided in Article 4774, Revised Civil Statutes of the State of Texas of 1911; and the said Commissioner's acts and conduct in regard to such power of attorney and such persons, shall be the same as is provided in said Articles 4773 and 4774, and the effect, force and result of such acts shall be the same as is herein provided.

Sec. 10. Provided further, before any promoter, or promoters, shall sell or offer for sale any such securities in this State he or they shall make and enter into a good and sufficient bond, to be approved by the Commissioner of Banking and Insurance, in a sum equal to twenty per cent of the proposed capital of such corporation or association, conditioned that should such promoter, or promoters, sell, trade or exchange any such securities in this State and should fail or refuse for any cause to incorporate or organize the corporation or association of the kind and character named on such security within two years after the making of such bond and deliver or cause to be delivered to any purchaser, or purchaser, the securities for which such purchaser, or purchasers, have subscribed and paid for, or should such promoter, or promoters, make any false or fraudulent representations in or upon said securities, or in the authorized literature of

such promoters, then and in that event, such promoter, or promoters, shall and will return to such purchasers or subscribers any and all moneys which such purchasers or subscribers have paid upon such securities; provided further, should any subscriber or purchaser of such securities have transferred, sold or conveyed to such promoter, or promoters, any property other than cash in exchange for such securities, then said promoters, or promoters, shall re-convey, re-assign or re-transfer to such purchaser or subscriber all such property as they shall have assigned, transferred or conveyed; provided further, if said promoter, or promoters, shall have converted any such property so that they cannot re-deliver the identical property then he or they shall pay and refund to such purchaser, or purchasers, a sum of money equal to that for which said property was taken in the first instance in exchange for such proposed securities; provided further, should such purchaser, or purchasers, be required to employ an attorney or attorneys to collect any such money so paid or to enforce the return of any property given in exchange for such securities, then such purchaser shall recover an additional amount equal to ten per cent of the amount of cash paid or the sum for which any such property was taken in exchange for said securities; provided, an expression of opinion as to the probable value or worth of such securities, contingent upon future development or expansion of business shall not be considered cause for the return of money unless willfully made for the purpose of committing a fraud upon such purchaser.

Any suit or suits filed for the collection of any moneys or the return of any properties, as provided for in this section, may be filed in any court having jurisdiction within any county in this State where any one or more of such promoters or purchaser reside, or in any court in Travis county having jurisdiction.

Sec. 11. It shall hereafter be unlawful for any promoter, officer, agent or employe, or trustee, or holding company, or sales agents, or persons, or association of persons, in this State, to sell or offer to sell, or contract to sell, directly or indirectly, any securities, as defined in this Act, of any corporation or association, or proposed corporation or association, subject to this act without first complying with the provisions

of this act, or in violation of any provisions hereof; and any persons so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than two thousand dollars, or may be imprisoned in the county jail for any period not more than one year, or by both such fine and imprisonment.

Sec. 12. All railroads, interurban railroads, street railroads whether using steam, electricity or other motive power, and all State and National banks, are exempted from this act, nor is it intended to govern or regulate the sale of stocks, bonds or other securities of corporations or associations except in the promotion thereof as promotion is in this act defined.

Sec. 13. This act shall be construed as cumulative of any law or laws of this State, and shall not be construed as repealing any law.

CONNER, Chairman.

Committee Room,

Austin, Texas, August 8, 1913.

Hon. Will H. Mayes, President of the Senate

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 11, A bill to be entitled "An Act to regulate the sale of stock certificates and debentures of any domestic or foreign corporation that is sought to be organized under the laws of this State other than insurance companies, banking companies, trust companies or savings banks; providing for an application for permit to organize; providing for corporations organizing under the laws of this State shall cause a certificate copy of their articles of incorporation to be recorded in the office of the county clerk of the county in which their principal office is to be maintained; providing that the Commissioner of Insurance and Banking shall have full authority and power to enforce the provisions of this act, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

(Floor Report.)

Austin, Texas, August 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 13, A bill to be entitled "An Act to amend Section 4, Chapter 150, of the laws enacted by the Regular Session, entitled An Act to require applications under oath to be made for witnesses in felony cases; to provide adequate penalties against district clerks or his deputy for unlawfully issuing subpoenas in felony cases; to define the duties of the district judge with reference to sheriffs' accounts, and to provide for fees of witnesses residing in the county of the prosecution in felony cases, repealing all laws and parts of laws in conflict herewith and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following committee amendments:

Amend the bill by striking out all after the word "correct," in line 11, Section 4, and substitute in lieu thereof the following: "Provided that witnesses who are peace officers or whose place of residence is not more than three (3) miles from the court house shall not come within the provision of this act, and provided that witnesses attending court in more than one case at the same time shall receive fees in only one case, and provided that the State shall in no case pay per diem for more than six (6) witnesses for the defendant and not more than six (6) witnesses for the State, and provided that each party or attorney therefor in making application for witnesses shall designate the names of each witness not exceeding six to be paid for by the State, neither of whom may reside within three (3) miles of the court house of such county and that no other witnesses other than those designated in said application shall be paid by the State, provided, however, if the defendant in any case who is charged with a felony should be finally convicted of a misdemeanor, then said witness fees shall not be a charge against the State in such a case, but the same shall be charged against the defendant and the witnesses in all such cases shall be entitled to the same compensation as is now allowed and provided by law to witnesses residing in the county of the prosecution in misdemeanor cases."

CONNER, Chairman.

Committee Room,  
Austin, Texas, August 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: You Committee on Contingent Expenses, to whom was referred simple resolution providing that a reasonable attorney's fee be allowed the contestant and contestee in the contest over representation in the First Senatorial District, to be paid out of the contingent expense fund of the Senate, have had the same under consideration and have instructed me to report recommending that same be not adopted.

WARREN, Chairman.

Committee Room,  
Austin, Texas, August 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Penitentiaries, to whom was referred

Senate bill No. 14, A bill to be entitled "An Act to amend Chapters 1 and 2, Title 104, Revised Civil Statutes of 1911, the same being an act passed by the Fourth Called Session of the Thirty-first Legislature, and entitled 'An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in certain rules and regulations for the government and conduct of such prison system; to provide for a board of prison commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the prison commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act, and declaring an emergency.'"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed.

HUDSPETH, Chairman.

Committee Room,  
Austin, Texas, August 7, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House Concurrent Resolution No. 2, Resolved by the House, the Senate concurring, that we request that His Excellency, Hon. O. B. Colquitt, submit to the Special Session of the Legislature the subject of amending Article 6002, Title 97, Chapter 1, Revised Statutes relating to appointments of notaries public at the Special Session as well as at the Regular Session of the Legislature,

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and same be not printed.

CONNER, Chairman.

Committee Room,  
Austin, Texas, August 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 12, A bill to be entitled "An Act to amend Chapter 132, of the Acts of the Thirty-third Legislature, entitled 'An Act to provide for intermediate sentences of persons convicted of certain crimes; for the termination of such sentences and the release of such persons on parole; providing for exemption from the operation of the law in certain cases, and repealing all laws in conflict herewith, and declaring an emergency,'"

And find it correctly engrossed.

BRELSFORD, Chairman.

#### HOUSE BILL NO. 14.

The following is a full copy of House bill No. 14, printed here by order of the committee report, which follows immediately:

H. B. No. 14.

By Wortham.

#### A BILL

#### To Be Entitled

An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, towit: University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas Normal School and West Texas Normal School, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated to pay the salaries of officers and employes and other expenses necessary for the support and maintenance of certain educational institutions of the State, as follows, towit:

#### The University of Texas.

For the maintenance, support and direction of the University of Texas, including the Medical Department at Galveston, including repairs, extensions, improvements and buildings for the years beginning September 1, 1913, and ending August 31, 1915; all the available University funds, including interest from its bonds, land notes, endowments and donations, all gifts and fees collected and all receipts whatsoever from any source.

Provided, however, that the Board of Regents of the University of Texas shall set aside and appropriate out of the income from the permanent University fund the sum of \$65,000, to be expended by said Board of Regents for the erection of a nurses' home in connection with the John Sealy Hospital at Galveston, Texas.

For the maintenance, support and direction of the University of Texas, including the Medical College at Galveston, for the two years beginning September 1, 1913, and ending August 31, 1915, from the general revenue, with



such changes and substitutions within the total of the following items for the University as the Regents may find to be necessary:

Salaries.	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
President and Professor of Philosophy.....	\$ 5,000 00	\$ 5,000 00
Professor of Architecture.....	2,900 00	2,900 00
Professor of the Art of Teaching.....	2,600 00	2,600 00
Professor of Business Training.....	3,400 00	3,400 00
Professor of Chemistry.....	3,250 00	3,250 00
Professor of Organic Chemistry.....	2,750 00	2,750 00
Professor of Physical Chemistry.....	2,750 00	2,750 00
Professor of Economics.....	2,500 00	2,500 00
Professor of Secondary Education and Visitor of Schools.....	2,900 00	2,900 00
Professor of Civil Engineering and Dean.....	3,500 00	3,500 00
Professor of Electrical Engineering.....	3,000 00	3,000 00
Professor of English.....	3,250 00	3,250 00
Professor of Geology.....	3,000 00	3,000 00
Professor of Germanic Languages.....	2,400 00	2,400 00
Professor of Greek and Dean of the Faculty.....	3,500 00	3,500 00
Professor of Institutional History.....	3,250 00	3,250 00
Professor of Forestry.....	.....	3,000 00
Professor of Latin.....	3,250 00	3,250 00
Professor of Law and Dean of the Law Department...	3,750 00	3,750 00
Professor of Law.....	3,250 00	3,250 00
Four Professors of Law.....	12,500 00	12,500 00
Professor of Applied Mathematics and Dean of the College.....	3,500 00	3,500 00
Professor of Pure Mathematics.....	3,000 00	3,000 00
Professor of Philosophy of Education.....	3,250 00	3,250 00
Professor of Physics.....	3,250 00	3,250 00
Professor of Railway Engineering.....	.....	3,000 00
Professor of Public Speaking.....	2,800 00	2,800 00
Professor of School Administration and Dean of Educa- tion.....	3,250 00	3,250 00
Director of Extension.....	3,250 00	3,250 00
Professor of Civil Engineering and Assistant Dean....	2,600 00	2,600 00
Professor of Industrial Chemical Research.....	.....	3,000 00
Professor of History of Education.....	2,600 00	2,600 00
Professor of Government.....	2,600 00	2,600 00
Professor of American History.....	2,500 00	2,500 00
Professor of Zoology.....	2,750 00	2,750 00
Professor of Journalism.....	3,250 00	3,250 00
Professor of Agricultural Education.....	3,000 00	3,000 00
Professor of History.....	3,250 00	3,250 00
Professor of Law.....	.....	3,250 00
Professor of Economics.....	3,250 00	3,250 00
Professor of Government.....	3,250 00	3,250 00
Professor of Sociology.....	3,250 00	3,250 00
Professor of English.....	3,250 00	3,250 00
Professor of Drainage and Irrigation.....	.....	3,000 00
Professor of Mathematics.....	3,000 00	3,000 00
Professor of Ancient Languages.....	3,250 00	3,250 00
Professor of Botany.....	3,250 00	3,250 00
Professor of Zoology.....	2,750 00	2,750 00
Professor of Sanitary Engineering.....	.....	3,000 00
Professor of Physics.....	3,250 00	3,250 00
Professor of Geology.....	3,000 00	3,000 00
Professor of Public Speaking.....	2,800 00	2,800 00
Professor of Physical Education.....	.....	3,000 00
Professor of Physiology and Dean of Medical Depart- ment.....	4,000 00	4,000 00
Professor of Surgery.....	3,000 00	3,000 00



	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Professor of Anatomy.....	\$ 3,000 00	\$ 3,000 00
Professor of Obstetrics .....	3,000 00	3,000 00
Professor of Chemistry (Medical Department).....	3,000 00	3,000 00
Professor of Therapeutics .....	2,500 00	2,500 00
Professor of Pathology .....	3,500 00	3,500 00
Professor of Medicine .....	3,000 00	3,000 00
Professor of Pharmacy .....	3,000 00	3,000 00
Clinical Professor of Ophthalmology.....	1,000 00	1,000 00
Associate Professor of Domestic Economy.....	2,400 00	2,400 00
Professor of Preventive Medicine.....	3,000 00	3,000 00
Associate Professor of English .....	2,400 00	2,400 00
Associate Professor of Spanish.....	2,450 00	2,450 00
Associate Professor of Accounting.....	.....	2,400 00
Associate Professor of French.....	2,200 00	2,200 00
Associate Professor of Latin and Greek.....	2,200 00	2,200 00
Associate Professor of Applied Mathematics.....	2,200 00	2,200 00
Associate Professor of Architectural Engineering.....	2,100 00	2,100 00
Assistant Visitor of Schools.....	2,000 00	2,000 00
Assistant Visitor of Schools.....	2,000 00	2,000 00
Associate Professor of Business Training.....	2,500 00	2,500 00
Associate Professor of Philosophy .....	2,500 00	2,500 00
Associate Professor of Romance Languages.....	2,400 00	2,400 00
Associate Professor of Histology .....	1,000 00	1,000 00
Associate Professor of Medical Jurisprudence.....	500 00	500 00
Adjunct Professor of Architecture.....	2,000 00	2,000 00
Adjunct Professor of Botany.....	1,900 00	1,900 00
Adjunct Professor of Drawing and Mining Engineering.....	1,900 00	1,900 00
Adjunct Professor of English.....	2,200 00	2,200 00
Adjunct Professor of English .....	2,000 00	2,000 00
Adjunct Professor of English .....	2,000 00	2,000 00
Adjunct Professor of English .....	2,000 00	2,000 00
Adjunct Professor of General Literature.....	2,000 00	2,000 00
Adjunct Professor of German.....	2,200 00	2,200 00
Adjunct Professor of Government.....	2,100 00	2,100 00
Adjunct Professor of Spanish-American History.....	1,800 00	1,800 00
Adjunct Professor of American History.....	2,000 00	2,000 00
Adjunct Professor of Medieval History.....	2,200 00	2,200 00
Adjunct Professor of Philosophy.....	2,000 00	2,000 00
Adjunct Professor of Physics.....	2,000 00	2,000 00
Adjunct Professor of Spanish and French.....	1,800 00	1,800 00
Adjunct Professor of Zoology.....	2,000 00	2,000 00
Adjunct Professor of Civil Engineering.....	1,800 00	1,800 00
Adjunct Professor of Domestic Economy.....	1,800 00	1,800 00
Adjunct Professor of Economics.....	2,000 00	2,000 00
Adjunct Professor of English.....	1,800 00	1,800 00
Adjunct Professor of Mathematics.....	1,800 00	1,800 00
Adjunct Professor of Philosophy.....	2,000 00	2,000 00
Adjunct Professor of Physics.....	2,000 00	2,000 00
Adjunct Professor of Spanish and French.....	1,800 00	1,800 00
Adjunct Professor of Chemistry.....	2,000 00	2,000 00
Adjunct Professor of General Literature.....	2,000 00	2,000 00
Associate Professor of the History of Art.....	2,400 00	2,400 00
Associate Professor of the History of Music.....	2,400 00	2,400 00
Director of Vocal Music .....	2,000 00	2,000 00
Adjunct Professor Steam Engineering.....	1,800 00	1,800 00
Adjunct Professor of Pediatrics and Instructor in Medicine .....	1,700 00	1,700 00
Adjunct Professor of Chemistry (Med. Dept.).....	2,200 00	2,200 00
Adjunct Professor of Anatomy.....	1,800 00	1,800 00
Instructor in Domestic Art.....	1,200 00	1,200 00
Instructor in the Art of Teaching.....	1,500 00	1,500 00
Instructor in Agricultural Botany.....	1,500 00	1,500 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Instructor in Botany.....	\$ 1,600 00	\$ 1,600 00
Instructor in Botany.....	1,200 00	1,200 00
Instructor in Chemistry.....	1,200 00	1,200 00
Instructor in Civil Engineering.....	1,500 00	1,500 00
Instructor in Economics.....	1,400 00	1,400 00
Instructor in Philosophy of Education.....	1,600 00	1,600 00
Instructor in Psychology of Education.....	1,700 00	1,700 00
Instructor in Electrical Engineering.....	1,400 00	1,400 00
Instructor in Electrical Engineering.....	1,600 00	1,600 00
Instructor in English.....	1,500 00	1,500 00
Two Fellows in Industrial Chemical Research.....		3,600 00
Instructor in Electrical Engineering.....	1,400 00	1,400 00
Three Instructors in English.....	3,900 00	3,900 00
Instructor in English.....	1,400 00	1,400 00
Instructor in English.....	1,400 00	1,400 00
Instructor in Physical Education.....		1,550 00
Two Instructors in English.....	2,400 00	2,400 00
Instructor in English.....	900 00	900 00
Instructor in French.....	750 00	750 00
Instructor in Geology.....	900 00	900 00
Two Instructors in Geology.....	3,200 00	3,200 00
Instructor in German.....	1,200 00	1,200 00
Instructor in German.....	1,100 00	1,100 00
Instructor in Greek.....	1,500 00	1,500 00
Instructor in Hebrew.....	500 00	500 00
Instructor in Ancient History.....	1,400 00	1,400 00
Instructor in Medieval History.....	1,400 00	1,400 00
Instructor in Modern European History.....	1,400 00	1,400 00
Instructor in Latin.....	1,400 00	1,400 00
Instructor in Electrical Engineering.....	1,200 00	1,200 00
Instructor in Applied Mathematics.....	1,200 00	1,200 00
Instructor in Pure Mathematics.....	1,600 00	1,600 00
Instructor in Pure Mathematics.....	1,100 00	1,100 00
Instructor in Philosophy.....	1,500 00	1,500 00
Instructor in Physical Culture for Women.....	1,100 00	1,100 00
Instructor in Physical Culture for Women.....	1,000 00	1,000 00
Instructor in Physics.....	1,400 00	1,400 00
Instructor in Public Speaking.....	1,200 00	1,200 00
Instructor in Spanish.....	1,000 00	1,000 00
Instructor in Zoology.....	1,500 00	1,500 00
Instructor in Zoology.....	1,500 00	1,500 00
Instructor in Spanish.....	1,000 00	1,000 00
Two Instructors in Journalism.....	2,800 00	2,800 00
Instructor in Business Training.....	1,250 00	1,250 00
Two Instructors in English.....	2,600 00	2,600 00
Instructor in English.....	1,200 00	1,200 00
Instructor in Romance Languages.....	1,500 00	1,500 00
Instructor in German.....	1,500 00	1,500 00
Instructor in Domestic Economy.....	1,200 00	1,200 00
Instructor in Domestic Art.....	1,200 00	1,200 00
Instructor in Spanish-American History.....	1,800 00	1,800 00
Instructor in Applied Mathematics.....	1,200 00	1,200 00
Instructor in Public Speaking.....	1,500 00	1,500 00
Instructor in Public Speaking.....	1,200 00	1,200 00
Instructor in Law.....	1,500 00	1,500 00
Instructor in Surgery and Lecturer in Genito-Urinary Diseases .....	1,200 00	1,200 00
Instructor in Histology.....	1,500 00	1,500 00
Two Instructors in Forestry.....		3,200 00
Instructor in Physiology and Pharmacology.....	1,500 00	1,500 00
Instructor in Clinical Medicine.....	1,200 00	1,200 00
Instructor in Pathology.....	1,500 00	1,500 00
Instructor in Pharmacy.....	1,500 00	1,500 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Instructor in Obstetrics.....	\$ 600 00	\$ 600 00
Instructor in Gynecology.....	600 00	600 00
Instructor in Surgery.....	800 00	800 00
Instructor in Nursing.....	1,200 00	1,200 00
Instructor in Bacteriology.....	1,200 00	1,200 00
Instructor in English.....	1,300 00	1,300 00
Tutor in Business Training.....	750 00	750 00
Two Tutors in Chemistry.....	1,200 00	1,200 00
Tutor in Germanic Languages.....	900 00	900 00
Tutor in Pure Mathematics.....	700 00	700 00
Tutor in Spanish.....	700 00	700 00
Tutor in Spanish and Archivist.....	1,320 00	1,320 00
Tutor in Zoology.....	500 00	500 00
Tutor in Philosophy of Education.....	500 00	500 00
Tutor in Physics.....	600 00	600 00
Tutor in Pure Mathematics.....	900 00	900 00
Tutor in Latin and Greek.....	500 00	500 00
Tutor in Texas History.....	700 00	700 00
Assistant in English.....	200 00	200 00
Assistant in Art of Teaching.....	200 00	200 00
Assistant in Economics.....	200 00	200 00
Assistant in Economics.....	200 00	200 00
Assistant in History of Education.....	200 00	200 00
Assistant in English.....	200 00	200 00
Assistant in English.....	200 00	200 00
Assistant in Government.....	240 00	240 00
Assistant in Greek.....	200 00	200 00
Assistant in Institutional History.....	200 00	200 00
Assistant in Medieval History.....	200 00	200 00
Assistant in Latin.....	120 00	120 00
Assistant in Latin.....	120 00	120 00
Assistant in Physics.....	200 00	200 00
Assistant in Physics.....	200 00	200 00
Assistant in Physics.....	200 00	200 00
Assistant in Physics.....	200 00	200 00
Assistant in Spanish.....	200 00	200 00
Assistant in Botany.....	120 00	120 00
Assistant in Botany.....	120 00	120 00
Assistant in Botany.....	300 00	300 00
Assistant in Botany.....	240 00	240 00
Assistant in Drawing.....	120 00	120 00
Assistant in Drawing.....	120 00	120 00
Assistant in Economics.....	120 00	120 00
Assistant in Educational Administration.....	120 00	120 00
Assistant in Educational Administration.....	80 00	80 00
Assistant in Electrical Engineering.....	240 00	240 00
Assistant in Electrical Engineering.....	240 00	240 00
Assistant in Electrical Engineering.....	120 00	120 00
Assistant in Electrical Engineering.....	120 00	120 00
Assistant in Civil Engineering.....	120 00	120 00
Assistant in Civil Engineering.....	120 00	120 00
Assistant in Civil Engineering.....	120 00	120 00
Assistant in Civil Engineering.....	120 00	120 00
Assistant in Civil Engineering.....	120 00	120 00
Assistant in English.....	200 00	200 00
Assistant in French.....	200 00	200 00
Assistant in Geology.....	120 00	120 00
Assistant in Geology.....	120 00	120 00
Assistant in Germanic Languages.....	120 00	120 00
Assistant in Germanic Languages.....	160 00	160 00
Assistant in Germanic Languages.....	80 00	80 00
Assistant in Germanic Languages.....	80 00	80 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Assistant in Germanic Languages.....	\$ 80 00	\$ 80 00
Assistant in General Literature.....	120 00	120 00
Assistant in American History.....	120 00	120 00
Assistant in Institutional History.....	120 00	120 00
Assistant in Applied Mathematics.....	120 00	120 00
Assistant in Applied Mathematics.....	120 00	120 00
Assistant in Pure Mathematics.....	150 00	150 00
Assistant in Pure Mathematics.....	150 00	150 00
Assistant in Philosophy.....	200 00	200 00
Three Assistants in Physics.....	360 00	360 00
Two Assistants in Public Speaking.....	300 00	300 00
Assistant in Zoology.....	200 00	200 00
Assistant in Zoology.....	150 00	150 00
Two Assistants in Zoology.....	200 00	200 00
Assistant in Philosophy.....	40 00	40 00
Assistant in Government.....	120 00	120 00
Three Assistants in Chemistry.....	600 00	600 00
Two Assistants in Chemistry.....	300 00	300 00
Two Assistants in English.....	320 00	320 00
Assistant in Economics.....	120 00	120 00
Two Assistants in German.....	240 00	240 00
Assistant in Philosophy.....	120 00	120 00
Three Assistants in Public Speaking.....	450 00	450 00
Assistant in Zoology.....	100 00	100 00
Assistant in Business Training.....	120 00	120 00
Assistant in Art of Teaching.....	120 00	120 00
Assistant in Physical Culture.....	150 00	150 00
Assistant in Anatomy.....	500 00	500 00
Assistant in Pathology.....	240 00	240 00
Assistant in Bacteriology.....	300 00	300 00
Assistant in Histology.....	240 00	240 00
Assistant in Chemistry (Medical Department).....	240 00	240 00
Librarian .....	2,400 00	2,400 00
Reference Librarian .....	1,100 00	1,100 00
Assistant in Library.....	1,500 00	1,500 00
Assistant in Library.....	900 00	900 00
Assistant in Library.....	900 00	900 00
Assistant in Library.....	900 00	900 00
Assistant in Library.....	780 00	780 00
Assistant in Library.....	720 00	720 00
Assistant in Library.....	720 00	720 00
Assistant in Library.....	780 00	780 00
Assistant in Library .....	840 00	840 00
Assistant in Engineering Library .....	600 00	600 00
Clipper and Cataloguer .....	600 00	600 00
Municipal Reference Assistant .....	200 00	200 00
Law Librarian and Secretary.....	1,375 00	1,375 00
Cataloguer and Classifier .....	960 00	960 00
Two Assistant Law Librarians.....	400 00	400 00
Five Quizmasters in Law .....	2,250 00	2,250 00
Mechanic .....	500 00	500 00
Business Manager .....	3,000 00	3,000 00
Assistant to Business Manager .....	1,500 00	1,500 00
Director of Physical Training for Men.....	2,500 00	2,500 00
Assistant to Dean of Faculty.....	900 00	900 00
Assistant to Dean of Women.....	500 00	500 00
Assistant in Medieval History.....	300 00	300 00
Assistant in Medieval History.....	300 00	300 00
Assistant in Physical Training.....	400 00	400 00
Two Assistants in Physical Training.....	700 00	700 00
Secretary to Dean of College of Arts.....	540 00	540 00
Secretary of Engineering Department.....	300 00	300 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Auditor . . . . .	\$ 2,400 00	\$ 2,400 00
Assistant Auditor . . . . .	1,600 00	1,600 00
Bookkeeper . . . . .	1,200 00	1,200 00
Curator in Chemistry . . . . .	1,500 00	1,500 00
Dean of Women . . . . .	1,700 00	1,700 00
Assistant Dean of Women . . . . .	1,500 00	1,500 00
Engineer . . . . .	1,200 00	1,200 00
Elevator Boy . . . . .	180 00	180 00
Land Agent . . . . .	1,800 00	1,800 00
Laboratory Assistant in Physics . . . . .	840 00	840 00
Laborers on Campus . . . . .	1,830 00	1,830 00
Machinery Attendant . . . . .	780 00	780 00
Mechanician . . . . .	1,500 00	1,500 00
Mechanic . . . . .	780 00	780 00
Messenger Boy . . . . .	180 00	180 00
Mechanician in Electrical Engineering . . . . .	900 00	900 00
Night Watchman . . . . .	780 00	780 00
Assistant Director of Physical Training for Men . . . . .	1,300 00	1,300 00
Registrar and Secretary to Board of Regents . . . . .	2,000 00	2,000 00
Assistant Registrar . . . . .	900 00	900 00
Assistant to Registrar . . . . .	390 00	390 00
Secretary to the President . . . . .	1,200 00	1,200 00
Secretary of the University and Assistant Director of Extension . . . . .	2,700 00	2,700 00
Assistant Secretary . . . . .	1,200 00	1,200 00
Student Life Secretary for Men . . . . .	1,500 00	1,500 00
Student Life Secretary for Women . . . . .	800 00	800 00
Superintendent of Buildings and Grounds . . . . .	1,500 00	1,500 00
Stenographer . . . . .	340 00	340 00
Assistant Visitor of Schools . . . . .	2,200 00	2,200 00
Firemen . . . . .	2,000 00	2,000 00
Janitors . . . . .	7,275 00	7,275 00
Janitors (Medical Department) . . . . .	2,305 00	2,305 00
Municipal Reference Assistant . . . . .	2,000 00	2,000 00
Principal University High School . . . . .	2,500 00	2,500 00
Two Teachers in University High School . . . . .	2,800 00	2,800 00
Librarian Medical Department . . . . .	1,200 00	1,200 00
Provost . . . . .	1,800 00	1,800 00
Enginer and Mechanic . . . . .	1,200 00	1,200 00
Totals . . . . .	\$488,345 00	\$520,345 00

## Schools and Laboratories.

Architectural Engineering, Special . . . . .	\$ 750 00	\$ 750 00
Architectural Engineering . . . . .	500 00	500 00
Art of Teaching . . . . .	250 00	250 00
Botany . . . . .	1,600 00	1,600 00
Botany, Special . . . . .	400 00	400 00
Business Training . . . . .	925 00	925 00
Business Training, Special . . . . .	550 00	550 00
Chemistry . . . . .	5,500 00	5,500 00
Civil Engineering . . . . .	1,000 00	1,000 00
Civil Engineering, Special . . . . .	350 00	350 00
Domestic Economy . . . . .	1,550 00	1,550 00
Domestic Economy, Special . . . . .	900 00	900 00
Economics . . . . .	600 00	600 00
Educational Administration . . . . .	150 00	150 00
Electrical Engineering, Special . . . . .	2,000 00	2,000 00
Electrical Engineering . . . . .	2,500 00	2,500 00
English . . . . .	800 00	800 00
General Literature . . . . .	150 00	150 00

	For the Years Ending.	
	Aug. 31, 1914.	Aug. 31, 1915.
Geology . . . . .	\$ 1,000 00	\$ 1,000 00
Germanic Languages . . . . .	200 00	200 00
Government . . . . .	600 00	600 00
Greek . . . . .	250 00	250 00
History . . . . .	1,300 00	1,300 00
Institutional History . . . . .	200 00	200 00
Institutional History, Special . . . . .	200 00	200 00
Latin . . . . .	250 00	250 00
Latin, Special . . . . .	100 00	100 00
Applied Mathematics . . . . .	100 00	100 00
Pure Mathematics . . . . .	200 00	200 00
Mines . . . . .	25 00	25 00
Philosophy . . . . .	600 00	600 00
Philosophy of Education . . . . .	1,000 00	1,000 00
Physics . . . . .	2,500 00	2,500 00
Public Speaking . . . . .	140 00	140 00
Romance Languages . . . . .	350 00	350 00
Romance Languages, Special . . . . .	100 00	100 00
Semitics . . . . .	50 00	50 00
Zoology . . . . .	1,700 00	1,700 00
History of Education . . . . .	200 00	200 00
Journalism . . . . .	200 00	200 00
Practice School . . . . .	4,000 00	4,000 00
History of Music . . . . .	1,000 00	1,000 00
History of Art . . . . .	1,000 00	1,000 00
Agricultural Education . . . . .	3,000 00	3,000 00
Anatomy . . . . .	1,150 00	1,500 00
Chemistry (Med. Dept.) . . . . .	1,000 00	1,000 00
Pharmacy . . . . .	1,000 00	1,000 00
Histology . . . . .	400 00	400 00
Pathology . . . . .	1,000 00	1,000 00
Bacteriology . . . . .	600 00	600 00
Physiology . . . . .	850 00	850 00
Obstetrics . . . . .	400 00	400 00
Surgery . . . . .	500 00	500 00
Medicine . . . . .	300 00	300 00
Therapeutics . . . . .	100 00	100 00
Total . . . . .	\$ 48,040 00	\$ 48,040 00

Current Expenses.

Advertising . . . . .	\$ 2,000 00	\$ 2,000 00
Alcalde . . . . .	1,250 00	1,250 00
Board of Regents . . . . .	1,000 00	1,000 00
Building Supplies . . . . .	1,500 00	1,500 00
For exchanges to other institutions, or so much thereof as may be necessary . . . . .	800 00	800 00
Campus . . . . .	1,500 00	1,500 00
Catalogues . . . . .	1,350 00	1,350 00
Commercement . . . . .	800 00	800 00
Committee on Teachers . . . . .	400 00	400 00
Contingent . . . . .	2,000 00	2,000 00
Dean of Women Expenses . . . . .	300 00	300 00
Electric Lights . . . . .	2,000 00	2,000 00
Elevator Power . . . . .	400 00	400 00
Engineering Lectures . . . . .	150 00	150 00
Engineering Library . . . . .	350 00	350 00
Floor Covering . . . . .	300 00	300 00
Fuel . . . . .	8,000 00	8,000 00
Furniture and Office Equipment . . . . .	3,350 00	3,350 00
Gas . . . . .	800 00	800 00
Honorarium . . . . .	150 00	150 00



	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Janitor's Supplies .....	\$ 250 00	\$ 250 00
Land Agent's Expenses.....	500 00	500 00
Law Library .....	840 00	840 00
General Library .....	8,000 00	8,000 00
Men's Gymnasium .....	500 00	500 00
Postage .....	700 00	700 00
Expenses of Faculty Attending Learned Societies.....	2,000 00	2,000 00
Ten Fellowships in Graduate Department.....	2,000 00	2,000 00
Ten Scholarships in Advanced Work in College of Arts.	1,000 00	1,000 00
Powerhouse, Tools and Supplies.....	300 00	300 00
Power for Machinery.....	1,500 00	1,500 00
Student Labor Fund.....	8,000 00	8,000 00
President's Traveling Expenses.....	1,200 00	1,200 00
Printing .....	800 00	800 00
Public Lectures .....	1,000 00	1,000 00
Special Auditor .....	700 00	700 00
State Historical Association.....	145 00	145 00
Stationery and Supplies.....	600 00	600 00
Summer School .....	12,500 00	12,500 00
Telephones .....	220 00	220 00
Texan .....	314 00	314 00
University Band .....	150 00	150 00
University Glee Club.....	75 00	75 00
University Publication .....	5,200 00	5,200 00
Visitors of Schools Expenses.....	3,000 00	3,000 00
Water .....	2,000 00	2,000 00
Weather Observatory .....	220 00	220 00
Woman's Gymnasium .....	290 00	290 00
Alcohol .....	188 00	188 00
Catalogues (Medical) .....	450 00	450 00
Commencement (Medical) .....	125 00	125 00
Contingent Expenses (Medical).....	525 00	525 00
Electricity (Medical) .....	250 00	250 00
Fuel (Medical) .....	400 00	400 00
Gas (Medical) .....	500 00	500 00
Insurance (Medical) .....	1,058 00	1,058 00
Library (Medical) .....	1,000 00	1,000 00
Postage (Medical) .....	200 00	200 00
President's Traveling Expenses (Medical).....	100 00	100 00
Printing and Stationery (Medical) .....	150 00	150 00
Shop (Medical) .....	100 00	100 00
Telephone and Telegraph.....	125 00	125 00
Towels and Laundry (Medical).....	100 00	100 00
Water (Medical) .....	300 00	300 00
Special Lecturer (Medical).....	175 00	175 00
Lease of Seawall Right of Way.....	10 00	10 00
University Hall (Medical).....	1,650 00	1,650 00
Totals .....	\$ 48,040 00	\$ 48,040 00

## Special Expenses.

## Bureau of Economic Geology and Technology.

Director .....	\$ 3,500 00	\$ 3,500 00
Geologist .....	2,500 00	2,500 00
Chemist .....	1,800 00	1,800 00
Assistant Chemist .....	1,200 00	1,200 00
Stenographer .....	1,000 00	1,000 00
Stationery and stamps.....	500 00	500 00
Museum .....	250 00	250 00
Laboratory .....	500 00	500 00
For field work, printing bulletins of artesian and		

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

other underground waters, preparation of general report on the mining resources of the State, preparation of a geological and mineral map of the State, for the completion of work on the fuels of the State, for publications, mapping, help, etc.....	12,500 00	12,500 00
Total .....	\$ 23,750 00	\$ 23,750 00

Department of Extension—Correspondence Division.

Addition to salary of head of division.....	\$ 300 00	\$ 300 00
Printing (bulletins, lessons, forms, etc.).....	1,500 00	1,500 00
Stamps and stationery.....	600 00	600 00
Supplies and incidentals.....	200 00	200 00
Salary of Registrar.....	1,000 00	1,000 00
Stenographers .....	900 00	900 00
Instructor in English.....	600 00	600 00
Traveling expenses, group study course lectures.....	1,000 00	1,000 00
Libraries and transportations for group study courses..	700 00	700 00
Additional fund for special instructor.....	500 00	500 00

Public Discussion Division.

Field organizer for discussion in athletics.....	\$ 1,500 00	\$ 1,500 00
Librarian and office man.....	600 00	600 00
Traveling expenses .....	1,000 00	1,000 00
Publications .....	500 00	500 00
Extra clerical help.....	200 00	200 00
Stamps and incidentals.....	600 00	600 00
Office furniture and equipment.....	100 00	100 00
Periodicals for clipping bureau.....	100 00	100 00
Supplies for interscholastic debate and meet.....	200 00	200 00
Debate fund for delegates' meet.....	1,000 00	1,000 00
Accessions to traveling library.....	200 00	200 00

Home Welfare Division.

Salary of domestic economy lecturer.....	\$ 1,800 00	\$ 1,800 00
Salary of additional domestic economy lecturer.....	1,600 00	1,600 00
Expenses of home economics week.....	1,000 00	1,000 00
Traveling expenses .....	1,000 00	1,000 00
Equipment and incidentals.....	500 00	500 00
Printing .....	500 00	500 00
Clerical help .....	300 00	300 00
Total .....	\$ 20,000 00	\$ 20,000 00

Child Welfare Division.

Assistants, equipment, traveling expenses and incidentals for investigation and report of conditions of childhood .....	\$ 1,000 00	\$ 1,000 00
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Public Lectures and Publicity Division.

Salary of part time publicity man.....	\$ 1,000 00	\$ 1,000 00
Fees and traveling expenses for 60 lectures.....	1,000 00	1,000 00
Part time for manager of lectures.....	300 00	300 00
Clerical help, stamps and incidentals.....	700 00	700 00
Total .....	\$ 3,000 00	\$ 3,000 00

Public Welfare Division.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of head of division.....	\$ 2,000 00	\$ 2,000 00
Equipment and incidentals.....	1,000 00	1,000 00
Traveling expenses .....	1,000 00	1,000 00
Lecturer and specialist on co-operation.....	2,000 00	2,000 00
General fund .....	200 00	200 00
Total .....	\$ 6,200 00	\$ 6,200 00

Information and Exhibits Division.

Salary of head of division.....	\$ 2,000 00	\$ 2,000 00
Salary of rural school visitor and exhibits.....	1,500 00	1,500 00
Traveling expenses .....	1,300 00	1,300 00
Exhibit fund .....	1,800 00	1,800 00
Incidental and office help.....	800 00	800 00
Total .....	\$ 7,400 00	\$ 7,400 00

Director's Office.

Secretary to Director.....	\$ 1,000 00	\$ 1,000 00
Traveling fund .....	500 00	500 00
Incidentals .....	200 00	200 00
Chapel Service Committee.....	515 00	515 00
Library binding, etc.....	1,500 00	1,500 00
Land .....	10,000 00	20,000 00
Secretary's expenses .....	2,000 00	2,000 00
Southwestern Historical Quarterly.....	165 00	165 00
Student Help Fund.....	500 00	500 00
Municipal reference books and equipment.....	450 00	450 00
Woodshop to bring capital up to \$1600.....	800 00	800 00
Heating system repairs.....	4,775 00	4,775 00
Automatic stoker for heating plant.....	4,800 00	4,800 00
Water level control for heating system.....	300 00	300 00
Total .....	\$ 27,505 00	\$37,505 00
Grand totals .....	\$714,050 00	\$756,000 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the University of Texas, including the Medical College at Galveston, during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and, provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

Agricultural and Mechanical College.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salaries .....	\$135,000 00	\$150,000 00
Dean's Office .....	1,000 00	1,000 00
Publicity .....	1,000 00	1,000 00
Chemistry .....	3,500 00	3,500 00
Drawing .....	1,000 00	1,000 00
Physics .....	2,500 00	3,000 00
Student Labor .....	10,000 00	10,000 00
Board Expense, including Clerk .....	1,500 00	1,500 00
Library .....	12,000 00	12,000 00
President's Contingent .....	5,000 00	5,000 00
History and Economics.....	500 00	500 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Agronomy . . . . .	\$ 5,000 00	\$ 4,500 00
Animal Husbandry . . . . .	8,000 00	12,000 00
Biology . . . . .	2,000 00	4,500 00
Dairy Husbandry . . . . .	2,000 00	3,500 00
Entomology . . . . .	4,800 00	4,200 00
Extension work . . . . .	20,525 00	19,900 00
Visitor to Schools . . . . .	2,000 00	2,000 00
Horticulture . . . . .	3,000 00	2,750 00
Dean of Agriculture Office . . . . .	500 00	500 00
Veterinary Science . . . . .	3,000 00	3,000 00
Production and Distribution of Serum. . . . .	2,000 00	2,000 00
Architecture . . . . .	1,000 00	1,000 00
Experiment Station . . . . .	20,000 00	20,000 00
Civil Engineering . . . . .	4,000 00	4,000 00
Highway Engineering . . . . .	6,700 00	6,700 00
Electrical Engineering . . . . .	7,500 00	7,500 00
Mechanical Engineering . . . . .	7,500 00	9,000 00
Operating Power Plant . . . . .	30,000 00	30,000 00
Repairs . . . . .	15,000 00	14,000 00
Field Workers, Agricultural Department. . . . .	10,000 00	10,000 00
Proposed new Branches of the Agricultural Educational Department, Embracing Forestry, Poultry, Husbandry, Crop Marketing, Farm Management, Floriculture, Landscape Gardening and Agricultural Engineering. . . . .	10,000 00	10,000 00
Total . . . . .	\$337,525 00	\$359,550 00
Agricultural Building . . . . .		200,000 00
Hospital and Equipment . . . . .	35,000 00	
Cottages . . . . .	10,000 00	10,000 00
Mechanical Engineering Building . . . . .		75,000 00
Civil Engineering, Hyd. and Lab. . . . .	25,000 00	5,000 00
Veterinary Building . . . . .		100,000 00
Building for Animal Husbandry Department, to in- clude an—		
Animal Judging Pavilion . . . . .	38,000 00	
Horse and Cattle Barn . . . . .	10,000 00	
Sheep Barn . . . . .	1,500 00	
Hog Barn . . . . .	1,500 00	
Hog Cholera Building . . . . .	4,000 00	
Incinerator . . . . .	2,500 00	
Roads, Bridges and Sidewalks. . . . .	10,000 00	10,000 00
Waterworks and Apparatus. . . . .	10,000 00	25,000 00
Power Lines . . . . .	3,000 00	
Laundry . . . . .	4,000 00	
Total . . . . .	\$154,500 00	\$425,000 00
Grand total . . . . .	\$492,025 00	\$784,550 00

Provided, that this appropriation is conditioned that the president of said Agricultural and Mechanical College shall require some one of the industrial classes taught at said college.

Provided, that in addition to the above, the interest on \$209,000 of State bonds, held by the Agricultural and Mechanical College fund, is hereby appropriated for the support of this institution; provided further, that the board of directors of the Agricultural and Mechanical College of Texas shall include in this report the number of and the salaries of the faculty and employes of the Agricultural and Mechanical College and of the Prairie View Normal School, and of receipts and expenditures, itemized, of each of these institutions and in the same manner as the law requires the board of regents to report the salaries and number of the faculty and employes and the receipts of the University of Texas.

Provided, that all the proceeds of the sale of farm and dairy products, sur-

plus stock and wornout property shall be paid into the State Treasury, and become a part of the general revenue of the State.

Provided, first, reports shall be made quarterly and filed with the Comptroller, giving an itemized statement of all moneys paid out and showing from what particular fund said money was paid.

Second, the full amount of money taken in from all sources, including farm products, dairy products, and the amount paid in by each student for board or other items during the term. Said statement shall show what disposition is made of said funds, and if any surplus remains on hand at the end of any school year, it shall be remitted to the State Treasury.

Provided further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Agricultural and Mechanical College during the fiscal years beginning September 1, 1913, and ending August 31, 1915. All the funds or moneys collected by the officers and employes of the Agricultural and Mechanical College under the provisions of the pure food acts passed by the Twenty-ninth Legislature, being Chapters 108 and 118 of said acts, and amended by Chapter 131, Acts of the Thirtieth Legislature, regulating the sale of concentrated commercial feed stuffs, etc., and amended by the Third Called Session of the Thirty-first Legislature, approved August 11, 1910, to be appropriated and collected by the board of directors of the Agricultural and Mechanical College for making all the necessary repairs at the Agricultural and Mechanical College, erection of buildings and other improvements and for such other purposes as may be deemed advisable by the board of directors, and said funds to be paid out of the Treasury on warrants issued by the president and secretary of the board of directors; with such changes and substitutions within the total of the above items as the board may find to be necessary; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

#### State Experimental Sub-stations.

For the Years Ending  
Aug. 31. 1914. Aug. 31, 1915.

For support and maintenance of eleven sub-stations, including the station at Nacogdoches, at \$7500 each...	\$ 82,500 00	\$ 82,500 00
For co-operative feeding and breeding experiments on Texas farms and ranches.....	5,000 00	5,000 00
For sheep breeding work (under way at present time)	2,000 00	2,000 00
For printing station bulletins and circulars.....	5,000 00	5,000 00
Total . . . . .	\$ 94,500 00	\$ 94,500 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for State experimental sub-stations during the fiscal years beginning September 1, 1914, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor warrants issued, nor obligations incurred in excess of the amounts herein appropriated.

#### Prairie View Normal.

For the Years Ending  
Aug. 31. 1914. Aug. 31, 1915.

Maintenance and support.....	\$ 17,500 00	\$ 17,500 00
Female Industrial Department.....	2,000 00	2,000 00
Agricultural and Mechanical Department, Including Dairy .....	5,000 00	5,000 00
Library and Periodicals.....	500 00	500 00
Laboratory .....	500 00	500 00
Stationery, Postage and Printing.....	300 00	300 00
Improvements on Grounds and Roads.....	1,000 00	1,000 00
Repairs and Painting.....	5,000 00	5,000 00
Furniture for Dormitories.....	1,000 00	1,000 00
Student Labor .....	2,500 00	2,500 00
Fences and Bridges.....	500 00	500 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Steam and Electric Plant and Running Expenses.....	\$ 2,000 00	\$ 2,000 00
Cottages .....	2,000 00	2,000 00
To plaster and equip Assembly Hall.....	4,500 00	
Gallery for Assembly Hall, complete and equipped....		3,000 00
Water tower .....	3,000 00	
New well .....	2,500 00	
Water mains and fire hydrants, as per estimate of State		
Fire Marshal .....	12,600 00	
Underwriters' pump and engine.....		4,200 00
Kitchen equipment .....	5,000 00	
New boilers .....	7,500 00	
Domestic Science Building (fireproof), complete and		
equipped .....	40,000 00	
Dormitory (fireproof), complete and equipped.....		50,000 00
Addition to shops.....		10,000 00
Power plant and equipment.....	20,000 00	
Laundry, complete and equipped.....		20,000 00
To purchase one jack and stallion.....	1,300 00	
Sanitary closets for boys' dormitories and to connect to		
sewer .....	650 00	
Bathhouse .....		2,100 00
Total .....	\$136,850 00	\$129,100 00

Provided, that the receipts from the sales of farm and dairy products, surplus stock and wornout property shall be paid into the State Treasury and become a part of the general revenue of the State.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Prairie View Normal during the fiscal years beginning September 1, 1913, and ending August 31, 1915, with such changes and substitutions within the total of the above items for the Prairie View Normal board of managers may find to be necessary; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

#### College of Industrial Arts for Women.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Maintenance and support, salaries of president, teachers and other employees.....	\$ 42,000 00	\$ 46,000 00
For student labor.....	1,500 00	1,500 00
Printing bulletins and catalogues.....	750 00	750 00
Stationery and postage.....	350 00	350 00
Telephone, telegraph, small printing and office supplies.	700 00	700 00
Material and supplies for several departments—brushes, brooms, toilet supplies, chemicals and practice materials .....	1,000 00	1,000 00
Support for summer school for industrial instruction, salaries of teachers and supplies.....	1,500 00	1,500 00
Light, heat, power, coal, wood, gasoline and electricity.	1,750 00	1,750 00
Library books and periodicals.....	750 00	750 00
Advertising .....	200 00	200 00
Inside improvements and repairs to buildings.....	2,000 00	1,000 00
Department funds for purchase of apparatus, cases, charts, models, specimens, etc.....	2,500 00	2,500 00
Outside improvements—fences, sheds, painting, shade trees, sidewalks, grading.....	3,000 00	1,500 00
For vocational departments, instruction and equipment.	2,000 00	2,000 00
Dairy, horse and poultry feed, including dairy yards and farm implements .....	750 00	750 00
Regents' fund and auditing books.....	500 00	500 00



	For the Years Ending	
	Aug. 31, 1913.	Aug. 31, 1915.
Commencement expenses, programs, invitations and recitals . . . . .	\$ 150 00	\$ 150 00
Traveling expenses of president of college . . . . .	100 00	100 00
Contingent expenses . . . . .	750 00	750 00
Labor on grounds . . . . .	3,000 00	3,000 00
Extension demonstration, including salary, traveling and incidental expenses . . . . .	2,000 00	2,000 00
Special permanent equipment for chemistry, physiology, including the hospital, biology and agriculture . . . . .	2,500 00	2,500 00
Total . . . . .	\$ 69,750 00	\$ 68,500 00

Permanent Improvements.

Greenhouse, enlarging and repairs, seeds, pots, plants and tools . . . . .	\$ 1,200 00	\$ 1,200 00
Household arts cottage . . . . .		1,800 00
One dormitory and dining hall . . . . .	125,000 00	
Equipment for dormitory and furnishings . . . . .		15,000 00
Completion of main building . . . . .		40,000 00
One laundry building and equipment . . . . .	12,000 00	
Enlargement of boiler house and one additional boiler . . . . .		15,000 00
One farm cottage . . . . .	1,200 00	
Total . . . . .	\$139,400 00	\$ 71,950 00

Additional Equipment.

Domestic science equipment . . . . .	\$ 1,109 00	
Chairs for auditorium . . . . .	1,923 95	
Woodworking machinery . . . . .	1,642 87	
Twenty-four double work benches . . . . .	936 00	
Art equipment—stands, tables, etc . . . . .	967 00	
Pottery kiln . . . . .	175 00	
Blue-print frame . . . . .	55 82	
Dining room equipment . . . . .	80 80	
Cast and art equipment . . . . .	155 75	
144 chairs . . . . .	432 00	
24 tables for domestic art . . . . .	144 00	
24 sewing machines . . . . .	660 00	
Total equipment . . . . .	\$ 8,282 19	
Grand totals . . . . .	\$217,432 19	\$140,450 00

Provided, that the amounts herein appropriated for each item, as stated herein, and no more, shall be paid out of the general revenue for the College of Industrial Arts for Women during the fiscal years beginning September 1, 1913, and ending August 31, 1915, with such changes and substitutions within the total of the foregoing items as the Board of Regents may find to be necessary; and, provided, further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Sam Houston Normal Institute.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
For support and maintenance . . . . .	\$ 54,000 00	\$ 54,000 00
Apparatus and equipment . . . . .	4,000 00	4,000 00
Repairs and improvements . . . . .	5,000 00	5,000 00
Apparatus for physical education . . . . .		2,000 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Department of Agriculture.....	\$ 3,800 00	\$ 1,700 00
Department of Manual Training.....	2,000 00	2,500 00
Department of Domestic Science and Art, including equipment for sewing classes.....	1,750 00	1,500 00
Student labor fund.....	1,000 00	1,000 00
Well, tank, pump and fixtures for fire protection and water supply (based on Fire Marshal's estimate)...	11,800 00	
Science building .....	50,000 00	
Central heating plant and connections, to be spent in two years .....	30,000 00	
Training school building.....		50,000 00
Furniture and equipment for training school building.		5,000 00
Total .....	\$163,350 00	\$126,700 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Sam Houston Normal Institute during the fiscal years beginning September 1, 1913, and ending August 31, 1915, with such changes and substitutions within the total of the foregoing items for the Sam Houston Normal Institute as the Normal School Board of Regents may find to be necessary; and, provided further, that no deficiency shall be created nor any warrants shall be issued or obligations incurred in excess of the amounts herein appropriated.

North Texas State Normal.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Support and maintenance .....	\$ 56,000 00	\$ 56,000 00
Repairs of buildings .....	2,500 00	1,000 00
Improvement of grounds .....	500 00	1,000 00
Apparatus and equipment .....	2,000 00	3,000 00
Painting of buildings .....	300 00	200 00
Department of Agriculture.....	500 00	500 00
Department of Manual Training .....	500 00	500 00
Department of Domestic Science .....	500 00	500 00
Reference books for library .....	3,000 00	3,000 00
Equipment for library building and gymnasium .....	11,000 00	
Construction of central heating plant, complete with boilers, pipes, etc. ....	30,000 00	
Grounds for athletics and improvement of same.....	6,000 00	
Construction of building for model training department.		50,000 00
Equipment of Model Training Department, with fur- niture, apparatus, etc.....		5,000 00
Construction of Manual Arts Building.....	50,000 00	
Total .....	\$162,800 00	\$120,700 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the North Texas State Normal during the fiscal years beginning September 1, 1913, and ending August 31, 1915, with such changes and substitutions within the total of the above items for the North Texas State Normal as the Normal School Board of Regents may find to be necessary; and, provided further, that no deficiency shall be created, nor shall any warrants be used or obligations incurred in excess of the amounts herein appropriated.

Southwest Texas State Normal.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Support and maintenance .....	\$ 54,000 00	\$ 54,000 00
Library, apparatus, repairs, equipment and improve- ment .....	5,000 00	5,000 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Improvement of grounds.....	\$ 2,000 00	\$ 2,000 00
Training Department Building.....		50,000 00
Grounds for Training Department.....	5,000 00	
Equipment for Training Department Building.....		5,000 00
Additional lands .....	4,000 00	
Agriculture, Home Economics and Manual Training....	2,000 00	
Heating plant .....		25,000 00
Remodeling stairways of Library Building.....	2,800 00	
Total .....	\$ 74,800 00	\$141,000 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Southwest Texas State Normal School during the fiscal years beginning September 1, 1913, and ending August 31, 1915, with such changes and substitutions within the total of the above items for the Southwest Texas Normal School as the Normal School Board of Regents may find necessary; and, provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

#### West Texas State Normal.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Maintenance and support.....	\$ 40,000 00	\$ 45,000 00
Library, books and improvements.....	5,000 00	5,000 00
Equipments for Agriculture, Physics, Chemistry, Biology, Domestic Science, Manual Training, Music, Art and Training School .....	5,000 00	
To complete heating plant.....	4,000 00	
Training School or Industrial Building.....		50,000 00
Wiring, plumbing and equipment, Training School or Industrial Building .....		5,000 00
Floor covering and office furniture.....	2,500 00	
Fencing and improving grounds and driveways.....	5,000 00	
Dormitories fitted for "batching" and "light house-keeping" for students unable to pay board.....	60,000 00	
Estimate of cost for proposed private inside and outside fire protection (based on Fire Marshal's report) ..	5,900 00	
Salary of watchman .....	600 00	600 00
Total .....	\$128,000 00	\$105,600 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the West Texas State Normal School during the fiscal years beginning September 1, 1913, and ending August 31, 1915, with such changes and substitutions within the total of the foregoing item for the West Texas State Normal School as the Normal School Board of Regents may find to be necessary; and, provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

In addition to the appropriations made by this act, for the support of the several State Normals, the Board of Education is hereby authorized to direct and to permit each of such Normals to collect from each student attending the same for each year, an incidental fee not to exceed the sum of \$15, and shall direct how the same may be applied.

Provided, that all new buildings authorized by this act and for which appropriations are hereby made shall be of fireproof construction and all plans and specifications for the erection of buildings and for the installation of fire protection shall be subject to the approval of the State Fire Insurance Commission.

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

Appropriations for Educational Institutions.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
University of Texas and Medical College.....	\$714,050 00	\$756,000 00
Agricultural and Mechanical College.....	492,025 00	784,550 00
State Experimental Sub-station.....	94,500 00	94,500 00
Prairie View Normal.....	136,850 00	129,100 00
College of Industrial Arts for Women.....	217,432 19	140,450 00
Sam Houston Normal Institute.....	163,350 00	126,700 00
North Texas State Normal.....	162,800 00	120,700 00
Southwest Texas State Normal.....	74,800 00	141,000 00
West Texas State Normal.....	128,000 00	105,600 00

COMMITTEE REPORT.

Committee Room,  
Austin, Texas, August 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance, to whom was referred House bill No. 14, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendments, and that the same be printed in the Journal.

WILLACY, Chairman.

Following are the Senate committee amendments:

Amend House bill No. 14 as follows: Strike out all after the enacting clause and insert the following in lieu thereof:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated to pay the salaries of officers and employes and other expenses necessary for the support and maintenance of certain educational institutions of the State as follows, towit:

University of Texas.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

For the maintenance, support and direction of the University of Texas, including the Medical Department at Galveston, including repairs, extensions, improvements and buildings for the years beginning September 1, 1913, and ending August 31, 1915; all the available University funds, including interest from its bonds, land notes, endowments and donations, all gifts and fees collected and all receipts whatsoever from every source.

Provided, however, that the Board of Regents of the University of Texas shall set aside and appropriate out of the income from the permanent University fund the sum of \$65,000, to be expended by said Board of Regents for the erection of a Nurses' Home in connection with the John Sealy Hospital at Galveston, Texas.

For the maintenance, support and direction of the University of Texas, including the Medical College at Galveston, for the two years beginning September 1, 1913, and ending August 31, 1915, from the general revenue, with such changes and substitutions within the total of the following items for the University as the Regents may find to be necessary.....\$608,300 00 \$650,250 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the University of Texas, including the Medical College at Galveston, during the fiscal years beginning September 1, 1913, and ending August 31, 1915. and no surplus shall be diverted from one account to another account; and provided further, that no

deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

Agricultural and Mechanical College—Maintenance and Support.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salaries . . . . .	\$135,000 00	\$150,000 00
Dean's office . . . . .	1,000 00	1,000 00
Publicity . . . . .	1,000 00	1,000 00
Chemistry . . . . .	3,500 00	3,500 00
Drawing . . . . .	1,000 00	1,000 00
Physics . . . . .	2,500 00	3,000 00
Student labor . . . . .	10,000 00	10,000 00
Board expense, including clerk . . . . .	1,500 00	1,500 00
Library . . . . .	12,000 00	12,000 00
President's contingent . . . . .	4,000 00	4,000 00
History and Economics . . . . .	500 00	
Agronomy . . . . .	5,000 00	4,500 00
Animal Husbandry . . . . .	7,500 00	7,500 00
Biology . . . . .	2,000 00	2,000 00
Dairy Husbandry . . . . .	2,000 00	2,000 00
Entomology . . . . .	4,800 00	4,200 00
Extension Work . . . . .	1,500 00	1,500 00
Horticulture . . . . .	2,500 00	2,500 00
Dean of Agriculture office, stationery, stamps, etc. . . . .	500 00	500 00
Veterinary Science . . . . .	3,000 00	3,000 00
Production and distribution of serum . . . . .	2,000 00	2,000 00
Architecture, equipment and supplies . . . . .	500 00	500 00
Experiment Station equipment . . . . .	10,000 00	10,000 00
Civil Engineering, equipment . . . . .	4,000 00	4,000 00
Highway Engineering, equipment . . . . .	4,000 00	4,000 00
Electrical Engineering, equipment . . . . .	7,500 00	7,500 00
Mechanical Engineering, equipment . . . . .	7,500 00	7,500 00
Operating power plant . . . . .	30,000 00	30,000 00
Repairs . . . . .	15,000 00	14,000 00
Field workers, Agricultural Department . . . . .	10,000 00	10,000 00
Agricultural building . . . . .		150,000 00
Hospital and equipment, complete . . . . .	35,000 00	
Cottages . . . . .	10,000 00	
The proceeds not to exceed \$75,000 of the Pure Food Control Department may be and is hereby directed to be used in the construction of a Mechanical Engineering building . . . . .		75,000 00
Any balance remaining of said Pure Food Control fund may be and is hereby directed to be expended in providing a Hydraulic laboratory . . . . .		
Veterinary building . . . . .		100,000 00
Horse and cattle barn . . . . .	10,000 00	
Sheep barn . . . . .	1,500 00	
Hog barn . . . . .	1,500 00	
Hog cholera building . . . . .	4,000 00	
Incinerator . . . . .	2,500 00	
Roads and sidewalks . . . . .	10,000 00	10,000 00
Waterworks, apparatus and air compressor . . . . .	15,000 00	20,000 00
Power lines . . . . .	3,000 00	
Laundry . . . . .	4,000 00	
Improving athletic grounds . . . . .	500 00	500 00
Total . . . . .	\$388,300 00	\$659,700 00

Provided, that this appropriation is conditioned that the President of said Agricultural and Mechanical College shall require some one of the industrial classes taught at said college.

Provided, that in addition to the above, the interest on \$209,000 of State bonds,

held by the Agricultural and Mechanical College fund, is hereby appropriated for the support of this institution; provided further, that the Board of Directors of the Agricultural and Mechanical College of Texas shall include in this report the number of and the salaries of the faculty and employes of the Agricultural and Mechanical College and of the Prairie View Normal School, and of receipts and expenditures, itemized, of each of these institutions, and in the same manner as the law requires the Board of Regents to report the salaries and number of the faculty and employes and the receipts of the University of Texas.

Provided, that all the proceeds of the sale of farm and dairy products, surplus stock and wornout property shall be paid into the State Treasury, and become a part of the general revenue of the State.

Provided, first, reports shall be made quarterly and filed with the Comptroller, giving an itemized statement of all moneys paid out and showing from what particular fund said money was paid.

Second, the full amount of money taken in from all sources, including farm products, dairy products, and the amount paid in by each student for board or other items during the term. Said statements shall show what disposition is made of said funds, and if any surplus remains on hand at the end of any school year, it shall be remitted to the State Treasury.

Provided further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Agricultural and Mechanical College during the fiscal years beginning September 1, 1913, and ending August 31, 1915. All the funds or moneys collected by the officers and employes of the Agricultural and Mechanical College under the provisions of the Pure Feed Acts passed by the Twenty-ninth Legislature, being Chapters 108 and 118 of said acts, and amended by Chapter 131, Acts of the Thirtieth Legislature, regulating the sale of concentrated commercial feed stuffs, etc., and amended by the Third Called Session of the Thirty-first Legislature, approved August 11, 1910, to be appropriated and collected by the Board of Directors of the Agricultural and Mechanical College for making all the necessary repairs at the Agricultural and Mechanical College, erection of buildings and other improvements and for such other purposes as may be deemed advisable by the Board of Directors, and said funds to be paid out of the Treasury on warrants issued by the President and Secretary of the Board of Directors; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Prairie View Normal.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Maintenance and support.....	\$ 17,500 00	\$ 17,500 00
Female Industrial Department.....	2,000 00	2,000 00
Agricultural and Mechanical Department, including dairy	5,000 00	5,000 00
Library and periodicals.....	500 00	500 00
Laboratory . . . . .	500 00	500 00
Stationery, postage and printing.....	300 00	300 00
Improvements on grounds and roads.....	1,000 00	1,000 00
Repairs and painting.....	5,000 00	5,000 00
Furniture for dormitories.....	1,000 00	1,000 00
Student labor . . . . .	2,500 00	2,500 00
Fences and bridges.....	500 00	500 00
Steam and electric plant and running expenses.....	2,000 00	2,000 00
Cottages . . . . .	2,000 00	2,000 00
To plaster and equip assembly hall.....	4,500 00	
Gallery for assembly hall, complete and equipped.....		3,000 00
Water tower . . . . .	3,000 00	
New well . . . . .	2,500 00	
Water mains and fire hydrants.....	12,600 00	
Underwriters' pump and engine.....		4,200 00
Kitchen equipment . . . . .	5,000 00	
New boilers . . . . .	7,500 00	
Domestic Science building (fireproof), complete and equipped . . . . .	40,000 00	



	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Dormitory (fireproof), complete and equipped.....		\$ 50,000 00
Addition to shops.....		10,000 00
Power plant and equipment.....	\$ 20,000 00	
Laundry, complete and equipped.....		20,000 00
To purchase one jack and stallion.....	1,300 00	
Sanitary closets for boys' dormitories, and to connect to sewer .....	650 00	
Bathhouse .....		2,100 00
Total .....	\$136,850 00	\$129,100 00

Provided, that the receipts from the sales of farm and dairy products, surplus stock and wornout property shall be paid into the State Treasury and become a part of the general revenue of the State.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Prairie View Normal during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

College of Industrial Arts for Women.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Maintenance and support, salaries of president, teachers and other employees.....	\$ 42,000 00	\$ 46,000 00
For student labor.....	1,500 00	1,500 00
Printing bulletins and catalogues.....	750 00	750 00
Stationery and postage.....	350 00	350 00
Telephone, telegraph, small printing and office supplies	700 00	700 00
Material and supplies for several departments—brushes, brooms, toilet supplies, chemicals and practice mate- rials .....	1,000 00	1,000 00
Support for summer school for industrial instruction, salaries of teachers and supplies.....	1,500 00	1,500 00
Light, heat, power, coal, wood, gasoline and electricity	1,750 00	2,000 00
Library books and periodicals.....	750 00	750 00
Advertising .....	200 00	200 00
Inside improvements and repairs to buildings.....	2,000 00	1,000 00
Department funds for purchase of apparatus, cases, charts, models, specimens.....	2,500 00	2,000 00
Outside improvements, fences, sheds, painting, shade trees, sidewalks, grading.....	3,000 00	1,500 00
For vocational departments, instruction and equipment	2,000 00	2,000 00
Dairy, horse and poultry feed, including dairy yards and farm implements.....	750 00	750 00
Regents' fund and auditing books.....	500 00	500 00
Commencement expenses, programs, invitations and re- citals .....	150 00	150 00
Traveling expenses of President of College.....	100 00	100 00
Contingent expenses .....	750 00	750 00
Labor on grounds.....	3,000 00	3,000 00
Extension demonstration, including salaries, traveling and incidental expenses.....	2,000 00	2,000 00
Special permanent equipment for chemistry, physiology, including the hospital, biology and agriculture.....	2,500 00	
Total .....	\$ 69,750 00	\$ 68,500 00

Permanent Improvements—		
Greenhouse, enlarging and repairs, seeds, plots, plants and tools .....	\$ 12,000 00	\$ 150 00
Household arts cottage.....		1,800 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
One dormitory and dining hall.....	\$125,000 00	
Equipment for dormitory and furnishings.....		\$ 15,000 00
Completion of Main Building.....		40,000 00
One laundry building and equipment.....	12,000 00	
Enlargement of boiler house and one additional boiler.....		15,000 00
One farm cottage.....	1,200 00	
<b>Total</b> .....	<b>\$139,400 00</b>	<b>\$ 71,950 00</b>

## Additional Equipment—

Domestic Science equipment.....	\$ 1,109 00
Chairs for auditorium.....	1,923 95
Woodworking machinery .....	1,642 87
Twenty-four double work benches.....	936 00
Art equipment, stands, tables.....	967 00
Pottery kiln .....	175 00
Blue print frame.....	55 82
Dining room equipment.....	80 80
Casts and art equipment.....	155 75
144 chairs .....	432 00
24 tables for domestic art, to be made.....	144 00
24 sewing machines.....	660 00

**Total equipment** ..... **\$ 8,282 19**

**Grand totals** ..... **\$228,232 19    \$140,450 00**

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the College of Industrial Arts for Women during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

## Sam Houston Normal Institute.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Support and maintenance.....	\$ 51,000 00	\$ 54,000 00
Books and apparatus for Science Departments and equipment .....	4,000 00	4,000 00
Repairs and improvements.....	5,000 00	5,000 00
Apparatus for physical education.....		2,000 00
Department of Agriculture.....	3,300 00	1,700 00
Department of Manual Training.....	2,000 00	2,000 00
Department of Domestic Science and Art (including equipment for sewing classes).....	1,750 00	1,500 00
Well, tank, pump and fixtures for fire protection and water supply (based on Fire Marshal's estimates) ..	9,000 00	
Science building .....		50,000 00
Central heating plant and connections.....	30,000 00	
<b>Total</b> .....	<b>\$106,050 00</b>	<b>\$120,200 00</b>

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Sam Houston Normal Institute during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

## North Texas State Normal.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Support and maintenance.....	\$ 53,000 00	\$ 56,000 00
Repairs of buildings.....	2,500 00	1,000 00
Improvement of grounds.....	500 00	500 00
Apparatus and equipment.....	1,500 00	1,500 00
Painting of buildings.....	300 00	200 00
Department of Agriculture.....	500 00	500 00
Department of Manual Training.....	500 00	500 00
Department of Domestic Science.....	500 00	500 00
Reference books for library.....	3,000 00	3,000 00
Equipment for library building.....	5,000 00	
Gymnasium .....	2,000 00	
Construction of central heating plant—complete with boilers, pipes, etc.....		30,000 00
Grounds for athletics and improvement of same.....	6,000 00	
Construction of building and model training department.		50,000 00
Equipment of Model Training Department with furni- ture, apparatus, etc. ....		5,000 00
Total .....	\$ 75,300 00	\$148,700 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the North Texas State Normal during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

## Southwest Texas State Normal.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Support and maintenance.....	\$ 50,000 00	\$54,000 00
Library apparatus, repairs, equipment and improve- ment .....	5,000 00	5,000 00
Improvement of grounds .....	2,000 00	2,000 00
Training Department Building .....		50,000 00
Grounds for Training Department.....	5,000 00	
Equipment for Training Department Building.....		5,000 00
Agriculture, Home Economics, and Manual Training...	1,000 00	1,000 00
Heating plant .....		25,000 00
Remodeling stairways of Library Building.....	2,800 00	
Total .....	\$ 65,800 00	\$142,000 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Southwest Texas State Normal School during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

## West Texas State Normal.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Maintenance and support .....	\$ 40,000 00	\$45,000 00
Library books, repairs and improvements.....	5,000 00	2,500 00
Equipment for Agriculture, Physics, Chemistry, Biol- ogy, Domestic Science and Manual Training.....	5,000 00	
To complete heating plant .....	4,000 00	
Industrial Building .....	50,000 00	

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Wiring, plumbing, equipping Industrial Building (above building) . . . . .	\$ 5,000 00	
Floor covering and office furniture . . . . .	2,500 00	
Fire protection—Independent plant for fire protection, including tank with not less than 50,000 gallon capacity . . . . .	5,000 00	
Fencing and improving grounds and drives . . . . .		\$ 5,000 00
<b>Total</b> . . . . .	<b>\$116,000 00</b>	<b>\$ 52,500 00</b>
Grand total for the year ending August 31, 1914 . . . . .		\$1,724,532 19
Grand total for the year ending August 31, 1915 . . . . .		2,042,900 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the West Texas State Normal School during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated. In addition to the appropriations made by this act for the support of the several State Normals, the Board of Education is hereby authorized to direct and to permit each of such normals to collect from each student attending the same for each year an incidental fee not to exceed the sum of \$15, and shall direct how the same may be applied.

Sec. 2. That the near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days, and that this act take effect and be in force from and after its passage, and in is so enacted.

#### SEVENTEENTH DAY.

Senate Chamber,  
Austin, Texas.

Saturday, August 9, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Lattimore.
Bailey.	McGregor.
Brelsford.	Morrow.
Collins.	Real.
Conner.	Taylor.
Ccwell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.

Absent.

Clark.	Nugent.
McNealus.	

Absent—Excused.

Carter.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Johnson.

#### EXCUSED.

On account of important business: Senator Clark for today and Monday, on motion of Senator Watson.

#### HOUSE BILL NO. 13—REFERRED.

On motion of Senator Morrow, House bill No. 13 was withdrawn from Judiciary Committee No. 1 and referred to Judiciary Committee No. 2.

#### OPINION FROM ATTORNEY GENERAL.

The Chair had the following opinion from the Attorney General read and directed that same be printed in the Journal:

Austin, Texas, August 8, 1913.

Hon. Will H. Mayes, President of the Senate, Capitol.

Dear Sir: At the Regular Session of the present Legislature the Senate adopted the following resolution:

"Whereas, Article 6633 of the Revised Civil Statutes of the State of Texas provides that if any railroad corporation organized under the laws of this State shall not, within two years after its articles of association filed and recorded as provided by law, begin the construction of its road, and construct, equip and put in good running order at least ten miles of its proposed road, and, that if any such railroad corporation, after the first two years, shall fail to construct, equip and put in good running order at least twenty miles additional of its road each and every succeeding year until the entire completion of its line; and

"Whereas, The Eastern Texas Railroad Company was chartered in 1900 to build a railroad from Lufkin, in Angelina county, Texas, to Crockett, in Houston county, Texas, a distance of about forty-seven miles, and has built only thirty miles of railroad under the provisions of its charter, lacking only seventeen miles of completing its line of railroad as called for by its charter; and

"Whereas, At the Regular Session of the Thirty-second Legislature a general relief act was passed by the Legislature, granting to certain class of railroads further time within which to complete their lines of railroad, however, specially exempting from the operations of said act all railroad companies having less than twenty miles to complete their line of railroad; and

"Whereas, Said Eastern Texas Railroad Company has failed and refused to complete its line of railroad as called for by its charter, in violation of the provisions of Article 6633 of the Revised Civil Statutes of the State of Texas; therefore, be it

"Resolved by the Senate that the Attorney General, the Hon. B. F. Looney, be and he is hereby directed by the Senate to make an investigation into the affairs of said railroad, to ascertain if it has violated the provisions of said law, and, if so; to take such necessary legal steps to force said railroad to comply with its said charter and to build the remaining seventeen miles of railroad as called for by its said charter, and that he also investigate all other railroads and the question of compliance with their charter obligations to the State."

In complying with the request of the Senate we endeavored to ascertain the condition of all railroads with reference to the question raised in regard to the Eastern Texas Railroad Company, and I

find it a very difficult matter to investigate, without the expenditure of much time and the incurring of much expense.

It is believed, however, that this inquiry is rendered immaterial in view of the present status of the law controlling the subject.

Attention of the Senate is directed to Article 6633, Acts of 1911, referred to in the resolution, which, in so far as the present inquiry is concerned, is the same as Article 4558, Acts of 1895, and reads as follows:

"If any railroad corporation organized under this title shall not, within two years after its articles of association shall be filed and recorded as provided in this title, begin the construction of its road and construct, equip and put in good running order at least ten miles of its proposed road; and if any such railroad corporation after the first two years, shall fail to construct, equip and put in good running order at least twenty additional miles of its road each and every succeeding year until the entire completion of its line, such corporation shall, in either of such cases, forfeit its corporate existence and its power shall cease as far as relates to that portion of said road then unfinished, and shall be incapable of resumption by any subsequent act of incorporation."

The above statute was in force at the date of the chartering of the Eastern Texas Railroad Company, which as I understand was chartered on November 8, 1900, to build from Lufkin to Crockett, a distance of forty-eight miles; that it began construction under this charter immediately, equipped and put in running order about thirty and one-half miles of its road within two years from the date of filing its charter; that it has up to this time paid all taxes, made the reports required by law, and in other respects has complied with the law, and that its charter is not subject to be forfeited unless it has failed to comply with the provisions of Article 6633, Acts of 1911, and the several relief acts passed from time to time. The first relief act to which your attention is called was the Act of 1909, page 220, the portion of which applicable to this inquiry reads as follows:

"Any railroad company which since the first day of January, 1901, and during the first year of its incorporation, did construct and put in operation not less than twenty miles of railroad in this State, shall have two years from the date of this act takes effect, in which to comply, as to its main line or its branch or branches projected by such



articles of incorporation or amendments, with the provisions of Article 4366, 4558, and 4559, of the Revised Civil Statutes of the State of Texas, and each such railway company which shall have forfeited its rights to construct or its corporate existence, as to any part of its said main line, or is about to do so, or any of its said branches, or any part thereof, shall have, and such corporate existence and right to construct same is hereby restored and preserved to it, and it shall enjoy all of its corporate franchises, property rights and powers held or acquired by it previous to any cause of forfeiture on account of such failure."

It will be seen from the above that the Eastern Texas Railroad Company, as well as all other railroads similarly situated, was given two years from May 8, 1909, within which to complete its road as chartered, regardless of whether the charter had theretofore been forfeited or not, as the act expressly restored charter powers.

The next relief act was the Act of the Thirty-second Legislature, page 3, and reads as follows:

"Section 1. That the time in which any railway corporation chartered under the laws of the State of Texas since the first day of January, 1892, or the charter of which has been amended since that date, is required to begin construction of its road, and construct, equip and put in good running order, as required in Article 4558, of the Revised Statutes of the State of Texas of 1895, and the same hereby is, as to any unfinished portion of such road, extended two years from the taking effect of this act; and any railway company having been chartered since January 1, 1892, or the charter to which has been amended since said date, which shall have forfeited its corporate existence or any of the rights and powers, or is about to do so, by reason of the failure to comply with said Article 4558, or any part of said article, shall have restored and preserved to it, its corporate existence, and it shall have and enjoy all of the corporate franchises, property rights and powers held or acquired by it previous to any cause or forfeiture as aforesaid; provided, that no railway company which shall be revived or the time extended by virtue of this act shall claim or exercise any right or franchise not allowed, granted or permitted to other railway corporations under the laws as now in force in this State.

"Sec. 2. (Extract from.) Provided, that the provisions of this act shall not apply to any corporation which has less

than twenty miles of railroad to build in order to complete its line of railroad, as contemplated by its original charter or any amendment thereto, or any terms thereof, which shall fail to construct and put in operation at least twenty miles of the line of railroad, as contemplated by its charter, or any amendment thereto, within twelve months from and after the passage of this act, or so much less mileage as may be necessary to complete and put in operation its line of road as called for by its charter, or any amendment thereto."

It will be seen that the relief here granted extended the time for complying with the charters for two years from May 8, 1911. Attention is here called to the provisions of Section 2 of the above act, which excludes from the benefits thereof railroads having less than twenty miles of road to complete. The Eastern Texas Railroad Company having less than twenty miles to complete, of course did not receive the benefits of this relief act; and thus the matter stood until the relief act of the Thirty-third Legislature, adopted at the Regular Session, which reads as follows:

"Section 1. That the time in which any railway corporation chartered under the laws of the State of Texas since the first day of January, 1892, or the charter of which has been amended since that date, is required to begin the construction of its road, and construct, equip and put in good running order, as required in Article 4558 of the Revised Statutes of the State of Texas of 1895, and the same hereby is, as to any unfinished portion of such road, extended two years from the taking effect of this act; and any railway company having been chartered since January 1, 1892, or the charter to which has been amended since said date, which shall have forfeited its corporate existence or any of its rights and powers, or is about to do so, by reason of the failure to comply with said Article 4558, or any part of said article, shall have restored and preserved to it, its corporate existence, and it shall have and enjoy all of the corporate franchises, property rights and powers held or acquired by it previous to any causes or forfeiture as aforesaid; provided, that no railway company which shall be revived or the time extended by virtue of this act, shall claim or exercise any franchise not allowed, granted or permitted to other railway corporations under the law now in force in this State."

This last act is couched in about the



same language as all preceding acts of this nature and seems to have been intended to prevent the forfeiture of charters for the failure to construct roads as required by the law, and also to restore charters that had theretofore become forfeited by reason of such failure. The only punishment visited upon a railroad company for a failure to complete its line as required by the statute was that it forfeited its corporate existence in so far as it relates to that portion of the road then unfinished and disabling said company from resuming by a subsequent act of corporation the right to construct the unfinished portion that should have been finished. We assume that under the provisions of the Constitution the Legislature was clearly in the exercise of its power and authority in passing the several relief statutes above quoted.

The Constitution, Article 1, Section 28, provides: "No power of suspending laws in this State shall be exercised except by the Legislature."

Article 1, Section 17, provides: "All privileges and franchises granted by the Legislature, or created under its authority shall be subject to the control thereof."

Assuming, therefore, that the Legislature had the power under the Constitution to suspend the operation of the statute with reference to the forfeiture of the charters in regard to the unfinished portions of railroads that had not constructed the mileage as provided by the statute, and assuming that it had the power and authority to restore forfeited charters, we are driven to the conclusion that at this time the Eastern Texas Railroad Company is in the exercise of its charter powers and is authorized under this charter to complete its road to Crockett as originally chartered. What is said here of the Eastern Texas Railroad Company may be said with reference to all railway companies of this State similarly situated. There exists no power, however, to compel a railway to complete its road. It simply suffers the penalty of forfeiting its right to construct the unfinished portion in the event of such failure.

Yours very truly,  
B. F. LOONEY,  
Attorney General.

This opinion has been passed upon and approved by the department in executive session, and is now ordered recorded.

B. F. LOONEY,  
Attorney General.

## SIMPLE RESOLUTION.

By Senator Lattimore:

Whereas, It has appeared in the public press that Col. W. T. Eldridge is offering to take charge of the prison system of Texas, and to make a bond in the sum of \$1,000,000 guaranteeing the proper and humane treatment of the convicts, and also guaranteeing that he will produce from said system a net revenue of \$1,000,000 per year for five years; and

Whereas, The two features of said proposal, towit, the proper and humane treatment of the convicts and the earning by said system of enough money to relieve the people of the burden of taxation imposed by past losses, and to produce a net residue to divide among the dependent ones of such convicts after paying all expenses, are features that are most serious in solving the penitentiary problem; therefore, be it

Resolved, That Colonel Eldridge be invited to submit in detail his proposition to this Legislature to the end that we may have opportunity to consider same in connection with pending prison legislation, and that the Secretary of the Senate be instructed to mail or send to Colonel Eldridge at once a copy of this resolution.

The resolution was read, and Senator McGregor moved that the same be referred to the Committee on State Penitentiaries, which motion was lost by the following vote:

Yeas—5.

Astin.	McGregor.
Bailey.	Terrell.
Harley.	

Nays—17.

Brelsford.	Lattimore.
Collins.	Real.
Conner.	Townsend.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Westbrook.
Greer.	Wiley.
Hudspeth.	Willacy.
Johnson.	

Absent.

McNealus.	Nugent.
Morrow.	Taylor.

Absent—Excused.

Carter.	Clark.
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The resolution was then adopted.

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 8, 1913.

Hon. Will H. Mayes, President of the  
Senate.

Sir: I am directed by the House to  
inform the Senate that the House has  
passed the following resolution:

House Concurrent Resolution No. 8.  
Granting leave of absence from the State  
to Judge Jas. W. Swayne, Judge of the  
Seventeenth Judicial District.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

HOUSE CONCURRENT RESOLUTION  
NO. 8 REFERRED.

The Chair had referred, after its cap-  
tion had been read, the following House  
concurrent resolution:

House Concurrent Resolution No. 8,  
referred to Committee on State Affairs

EXCUSED.

Senator Townsend made the followin  
motion in writing:

"I move that the Senate excuse the  
Senator from Bell for today on account  
of important business."

The motion was read and adopted.

SIMPLE RESOLUTION.

By Senator Wiley:

Whereas, The Dallas Morning News,  
August 8th, page 9, column 1, in re-  
porting Governor O. B. Colquitt's  
speech made to the Convention of  
County and District Officials in Fort  
Worth on August 7th, among other  
statements reported to have been made  
by the Governor contains the following  
criticism of the Legislature: "The last  
Legislature spent much time trying to  
bury me politically, but it failed in  
that." "The thirty-one Senators and  
one hundred and forty-two Representa-  
tives spent most of their time try-  
ing to redistrict the State in such man-  
ner that they could all go to Congress."  
"During this special session the Sena-  
tors and Representatives have spent half  
their time trying to dig my political  
grave, and I am not out for anything,  
either. I believe a public servant should  
discharge the duties he is elected to dis-  
charge"; therefore, be it

Resolved, That while we appreciate

the fact that we do at times spend more  
time, seemingly, upon some legislative  
subjects than to some may be considered  
necessary, we have not in the past at-  
tempted to dig the "political grave" of  
Governor O. B. Colquitt, and are not  
now engaged in the grave-digging busi-  
ness; that the thirty-one Senators did  
not spend "most of their time trying  
to redistrict the State in such manner  
that they could all go to Congress";  
that this Senate has given its attention  
to legislative matters and that it has  
labored earnestly in considering the  
needs of all State departments and in-  
stitutions for the purpose of finally  
passing an appropriation bill that will  
meet the needs, and at the same time  
be as low as consistent with good serv-  
ice and public policy; that we have been  
and are now giving our very best effort  
and most careful attention to legislation  
concerning the penitentiary conditions,  
and that we find the task of trying to  
aid in placing the penitentiary system  
on a firm basis a very difficult one, and  
that the labor is not rendered any more  
pleasant by the unjust criticism that is  
being made while we labor; that we  
concur in the statement that "a public  
servant should discharge the duties he  
is elected to discharge," but are unable  
to see how this acknowledged obligation  
empowers or justifies one servant of the  
people in criticising others collectively,  
and respectfully suggest that in the  
future, should further criticism be made  
of the Senate, that the criticism be di-  
rected to individuals who have offended  
and not made to the Senate as a body.

The resolution was read, and Senator  
Wiley moved that same be adopted.

Senator Brelsford moved that the res-  
olution be laid on the table.

Senator Hudspeth moved, as a substi-  
tute, that the resolution be postponed  
until Monday morning immediately fol-  
lowing the morning call, which motion  
was adopted by the following vote:

Yeas—12.

Astin.	Hudspeth.
Bailey.	McGregor.
Conner.	Real.
Cowell.	Warren.
Gibson.	Watson.
Harley.	Willacy.

Nays—9.

Brelsford.	Morrow.
Collins.	Townsend.
Darwin.	Westbrook.
Greer.	Wiley.
Lattimore.	

Absent.

McNealus.

Nugent.

Absent—Excused.

Carter.

Taylor.

Clark.

PAIRED.

Senator Johnson (present), who would vote "nay," with Senator Terrell (absent), who would vote "yea."

Morning call concluded.

## SENATE BILL NO. 6.

Action recurred on the pending business, the penitentiary bill, the question being on the substitute amendment by Senator Lattimore for the amendment by Senator Warren.

Senator Lattimore withdrew the pending substitute and offered the following in lieu thereof:

Amend bill, page 5, lines 4 to 7, as follows: Strike out all of Article 6179 down to and including the words "system and", in line 7, and insert the following: "The business manager of the prison system shall have the power to purchase or cause to be purchased, with such funds as may be at his disposal, any machinery, tools or supplies for the benefit of said prison system, and acting in conjunction with the Prison Commission or under its direction, may purchase or erect or cause to be erected any buildings on the lands of the system which may be deemed necessary, and likewise acting in conjunction with or under the direction of the Prison Commission."

Senator Hudspeth offered the following amendment to the substitute:

Amend the substitute by striking out in lines 11 and 12 of said substitute the words, "as under its direction."

The amendment to the substitute was read and adopted.

The substitute, as amended, was then adopted.

The amendment, as substituted, was adopted.

Senator Warren offered the following amendment, which was read and adopted:

Amend the bill, page 5, line 11, by striking out all after the word "prisoners" and all of lines 12, 13 and 14.

Senator Wiley offered the following amendment, which was read and adopted:

Amend the bill, page 5, line 10, by inserting after the word "prison" the fol-

lowing: "provided such expenditures shall not exceed seventy-five thousand dollars."

Article 6180 was called.

Senator Willacy offered the following amendment:

Amend by striking out Article 6180 and by inserting a new article to be numbered 6180, to read as follows:

"Article 6180. No land shall be purchased for the prison system, nor shall any land be sold by said prison system, except upon authority first received from the Legislature, and no such authority shall be granted except upon application made to the Legislature in writing. Said application shall state the number of acres to be offered for sale, or purchase, the location and character of said land, the improvements, if any, and the price and terms upon which the same is being offered, or to be offered, for sale or purchase; provided, that all proposals either to purchase any land for the prison system or to sell any land belonging to the prison system, before being submitted to the Legislature, shall first be advertised for a period of not less than thirty days in three or more newspapers having general circulation in the territory where such land is situated; provided, the Prison Commission is hereby authorized to take options for the purchase of such lands as may be deemed necessary without cost to the State in excess of ten (\$10) dollars or said system, said options in every instance to be taken subject to the approval of the Legislature, and in no case shall any option which may be rejected by the Legislature create or give rise to any obligation against the State or against the prison system."

WILLACY,  
WARREN,  
HUDSPETH,  
LATTIMORE,  
BRELSFORD.

Senator Morrow offered the following amendment to the amendment:

Amend the amendment by striking out all after the word "Legislature" where it first occurs, down to and including the word "situated," leaving that part of the amendment to read that "no land shall be purchased for the prison system, nor shall any land be sold by said system except upon authority first received from the Legislature."

Senator Willacy moved to table the amendment to the amendment.

HOUSE CONCURRENT RESOLUTION  
NO. 8.

(By Unanimous Consent.)

The Chair laid before the Senate, House Concurrent Resolution No. 8, (Granting Judge Jas. W. Swayne leave of absence from the State.

On motion of Senator Lattimore, the Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering this resolution (see Appendix for committee report).

The committee report, which provided that the resolution be not printed, was adopted.

The resolution was read and adopted.

## EXCUSED.

On account of important business:

Senator Terrell for today, on motion of Senator Willacy.

Senator McNealus for today, on motion of Senator Lattimore.

## RECESS.

On motion of Senator Astin, the Senate, at 12:30 o'clock p. m., recessed until 3 o'clock today.

## AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

## SENATE BILL NO. 6.

(Pending Business.)

Action recurred on the pending business, Senate bill No. 6, the question being on the motion by Senator Willacy to table the amendment by Senator Morrow to the amendment by Senator Willacy, which motion to table prevailed.

Senator Conner offered the following amendment to the amendment:

Amend the amendment by striking out that portion of said amendment which requires that notice of the proposed sale of land to the State shall be published in three newspapers published in the vicinity of the neighborhood in which said land is situated for thirty days before the convening of the Legislature.

The amendment was read, and

Senator Collins made the point of or-

der that it contained almost the same subject matter as the one just tabled.

The Chair overruled the point of order.

On motion of Senator Willacy, the amendment to the amendment was tabled.

The amendment by Senator Willacy was then adopted.

Senator Willacy offered the following amendment:

Amend by adding to Article 6180, as amended, the following: "It is hereby especially provided that neither the Prison Commission nor any other authority shall hereafter construct, or contract for the construction, of any railroads or parts of railroads except by authority first granted by the Legislature."

WILLACY,  
WARREN.

Senator Wiley offered the following substitute for the amendment:

Amend the amendment, Article 6180, as amended, by adding the following: "Provided, that neither the manager, Prison Commission nor any other authority shall not inaugurate any new industry exceeding in value the amount specified in Article 6179, nor shall it buy, construct, sell, tear up, dismantle or abandon any railroad without express and specific authority from the Legislature."

The substitute was read and adopted. Article 6181 was called.

Senator Willacy offered the following amendment:

Amend by striking out Article 6181 and by inserting a new article numbered 6181 to read as follows:

"Article 6181. The Prison Commission shall as soon as practicable employ all male prisoners, physically able and not otherwise employed, in clearing the uncleared timber land of the prison system, and in preparing same for cultivation, thereby providing permanent employment for large numbers of prisoners on land owned by the State.

"It is hereby specially provided that land, the title of which is not in the State or the prison system, shall not be cleared of brush, stumps or timber; nor shall such land be improved, either by ditching or other permanent improvements, by the prison system, under the terms of contracts of lease or otherwise, it being one of the purposes of this act to divorce the operations of the prison system from all private interests of every character."

Senator Lattimore offered the follow-

ing amendment to the amendment, which was read and adopted:

Amend preceding amendment to Article 6181 by adding at the end of said amendment the following: "Provided in case the State should not have enough land available for the employment of convicts upon State farms between biennial sessions of the Legislature, and it should be deemed necessary to procure the use of any farming land for the employment of such convicts, then said manager with the consent of the Prison Commission may rent or lease such lands as may be necessary; such rental or lease contract in no case to extend beyond the next ensuing meeting of the Legislature, and the price paid for such rented or leased land in no case to exceed the usual and customary price paid in the locality of the given tract."

Senator Hudspeth offered the following amendment to the amendment, which was read and adopted:

Amend the amendment as amended by striking out the words "Prison Commission" in the first line of the amendment and insert in lieu thereof "business manager."

The amendment as amended was then adopted.

Article 6182 was then called.

Senator Warren offered the following amendments, which were read and adopted:

(1)

Amend the bill, page 6, line 10, by inserting after the word "Commission" the following: "when empowered by the Legislature."

WARREN,  
WILLACY,  
HUDSPETH.

(2)

Amend the bill, page 6, by striking out all of line 26 after the word "prisoners" and all of lines 27, 28 and 29.

WARREN,  
WILLACY,  
HUDSPETH.

Article 6183 was called.

Senator Wiley offered the following amendment:

Strike out the words "Prison Commission" and insert "manager," and strike out in line 31 the words "or to authorize the business manager to sell."

Senator Warren offered the following amendment, which was read and adopted:

Amend the bill, page 7, line 3, by striking out the words "sell or."

Senator Lattimore offered the following amendment, which was read and adopted:

Amend bill, page 7, by striking out all after the word "them" in line 2, down to and including the word "General," in line 8, and by inserting in line 8 after the word "Commission" the following: "or manager," and by striking out the words "shall in the purchase or sale of real estate" in lines 8 and 9.

Senator Conner offered the following amendment, which was read and adopted:

Amend the bill, page 7, line 2, by striking out "them" and inserting "him" in lieu thereof.

Article 6184 was called.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out "Article No. 6184" and insert in lieu thereof the following:

"Article 6184. On Monday of each week the business manager herein provided for shall remit to the State Treasurer all money received by him as such from whatever source, including proceeds of accounts receivable and bills receivable, now or hereafter held by the Prison Commission, which remittances shall be paid into the general revenue or deposit warrants issued by the State Comptroller.

"For the two years beginning September 1, 1913, and ending August 31, 1915, there is hereby appropriated out of the general revenue in the State Treasury, not otherwise appropriated, for the maintenance and support of the prison system, including all salaries, payment for labor, material, supplies, clothing, transportation, cost of burials, physicians, chaplains, and all other expenditures necessary to the operation of the prison system, the sum of one dollar for the year ending August 31, 1914, and the sum of one dollar for the year ending August 31, 1915, and in addition thereto there is hereby appropriated out of the general revenue in the State Treasury, not otherwise appropriated, for the period beginning September 1, 1913, and ending August 31, 1915, a sum equal to all the revenue deposited in the State Treasury arising from the sale of all products of the farms, factories, or any other source or activity of the prison system, including bills receivable and accounts receivable of every character during the period of time for which this appropriation is made: pro-



vided, that there shall be deducted from such appropriation the sum, or sums, at the time estimated or calculated as due to the prisoners, or any of them, under the provisions of Sections 1 to 13, inclusive, of Article 6172 of this act."

Senator Townsend offered the following amendment:

Amend the bill on page 8 by adding between lines 6 and 7 the following:

"Article 6184a. It shall be the duty of the Attorney General to prosecute and defend all actions in the several courts of this State in which the Prison Commission or the properties of the penitentiary may be interested, and also to render to such Commission or the business manager advice and interpretation of the laws governing their respective legal duties, and no additional counsel shall be employed to represent said Commission or business manager, except by and with the advice and consent of the Attorney General."

Pending.

(Senator Cowell in the chair.)

Senator Brelsford offered the following amendment to the amendment:

Amend amendment by adding:

"Provided, that the Prison Commission and business manager may employ local counsel for advice and assistance in legal matters arising in the conduct of the system; but that no litigation shall be caused on or defended except under the authority and direction of the Attorney General."

Pending.

Pending discussion, further action on the bill was postponed until Tuesday morning, and was made pending business at that time.

#### ADJOURNMENT.

On motion of Senator Lattimore, the Senate, at 4:20 o'clock p. m., adjourned until 10 o'clock Monday morning.

#### APPENDIX.

##### COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 9, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred House Concurrent Resolution No. 8, have had the same under consideration, and beg leave to report the same back to the

Senate with the recommendation that it do pass.

Brelsford, Chairman; Darwin, Townsend, Gibson, Westbrook, Watson.

#### PROPOSED SENATE BILL.

Senator Hudspeth offered the following proposed bills and requested that they be printed in the Journal, and it was so ordered:

S. B. No. — By Hudspeth and Brelsford.

##### A BILL

##### To Be Entitled

An Act to determine the existence of vacant lands belonging to the State and all excess in blocks and in surveys owned or sold by the State; creating a Land Board to have the control and direction of the making of surveys of such lands; providing for the employment of a State Surveyor and assistants and for their compensation; prescribing the manner of making such surveys and the classification and appraisal of the land surveyed; giving certain prior rights to purchase the lands so surveyed; defining excess land; prescribing a rule of evidence in suits for the recovery of such lands; withdrawing from the market all unsurveyed public school lands and all vacant and excess lands until surveyed under this act; withholding from sale the lands surveyed under this act until the final determination of the State's ownership of the lands; providing for the sale of such lands; providing for suits by the Attorney General for the recovery of such lands and for the recovery of public school lands and for the protection and enforcement of the State's rights and interests incident to or connected with such lands and incident to or connected with any public school lands, and fixing the venue of such suits in Travis county, Texas, concurrently with the county where the land is situated; prohibiting any member of said board or any surveyor or other person employed in connection with said surveys from being interested in the purchase of any such lands; prohibiting any person from interfering with the surveyor or any assistant surveyor in making such surveys; fixing penalties for its violation; repealing Articles 5347, 5348, 5349, 5396, 5397, 5398, 5399 and 5400 of the Revised Civil Statutes of 1911;



making an appropriation to carry out the provisions of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of determining the existence of vacant lands belonging to the State and of ascertaining whether lands belong to the State or should be claimed or sued for by the State, and of determining the existence of excesses in surveys belonging to the State heretofore surveyed and not sold and in surveys heretofore surveyed and sold by the State, whether patented or not patented, and for the purpose of making and directing surveys of any of said lands, there is hereby created a Land Board, composed of the Governor, the Attorney General and the Commissioner of the General Land Office, and said board is hereby authorized to employ a competent surveyor, who shall be called State Surveyor and who shall have charge of all of such surveying under the direction of the board, and said surveyor shall, with the approval of the board, select necessary assistants and the surveyor and his assistants shall receive such compensation as shall be fixed by the Board, and warrants to pay such compensation shall be drawn by the Comptroller on the Treasury on the sworn account of said surveyor, to be approved by the board, and said surveyor may be discharged by the board at any time. In case of disagreement among the members of the board, or absence of any member of said board, any two of said board may act in the performance of any of the duties of the board under this act.

Sec. 2. Said surveyor shall make such surveys and such surveys only as he is directed to make by the board and all surveys made by him shall be made under the direction and control of the board. The field notes of all surveys shall be made and certified to by said surveyor in accordance with Article 5336 of the Revised Statutes of 1911, and in addition to the requirements of said article the surveyor shall accompany such field notes with maps and drawings and such explanations as may be necessary showing specifically the land as surveyed by him and its location with reference to other surveys adjoining it in the same vicinity, together with a description of the character and classification of the land. The field notes shall be by such surveyor returned to the board, and after the approval of the field

notes by the board they shall be filed in the General Land Office together with the classification and appraisal of the land made by the board, as hereinafter provided, and the Commissioner of the General Land Office shall thereupon forward to the surveyor of the county or district in which the land lies certified copies of such field notes, which shall thereafter be a part of the records of said surveyor's office.

Sec. 3. All excesses in blocks or systems of surveys heretofore made, whether the surveys in said blocks or systems have been purchased from the State or otherwise acquired or not, or whether the same are patented or not patented, shall be treated by said surveyor as vacant land, and such excesses shall be segregated from the block or system in which they are located, leaving the surveys in said block or system as far as practicable on the ground consecutively as shown by the maps, sketches and field notes originally returned to the General Land Office. And the surveys of such excesses shall be made and the field notes thereof shall be made, certified and returned as far as practicable in accordance with the provisions of Section 2 of this act.

Sec. 4. Whenever excess land is found by said surveyor within the bounds of any survey belonging to the public school fund and unsold, and the said excess is less than one hundred and sixty acres, the excess shall not be segregated from the survey, but the entire survey, including the excess shall be resurveyed by said surveyor. Whenever such excess in such survey equals or exceeds one hundred and sixty acres, the excess shall be segregated from the survey and separate field notes made of the original survey according to its proper acreage and of the excess segregated from said original survey. In making such survey of the original survey and the segregated land, said surveyor shall commence at the beginning corner of such original survey as far as practicable and run the lines as far as practicable co-extensive with the survey as made on the ground, and shall leave the excess, as well as the original survey, in a body and as far as practicable in a square form. The field notes of the surveys made under this section shall be made, certified and returned in accordance with the provisions of Section 2 of this act.

Sec. 5. Whenever excess land is found by said surveyor within the bounds of any survey now owned or hereafter acquired by any person, firm or

corporation, whether patented or unpatented, the excess shall be by said surveyor segregated from the survey and separate field notes of the original survey according to its proper acreage and of said excess segregated from the original survey shall be made and certified and returned, as provided in Section 2 of this act, and in making said survey of the original survey and the segregated land, said surveyor shall commence at the beginning corner of such original survey as far as practicable and run the lines as far as practicable co-extensive with the survey as made on the ground, and shall leave the excess as well as the original survey in a body and as far as practicable in a square form.

Sec. 6. The owner of the survey out of which such excess tract is surveyed shall have a prior right to purchase such excess tract for a period of sixty days after the field notes of the same have been approved by the board and the land appraised by the board, and the field notes and appraisement filed in the General Land Office, by filing his application to purchase same in the General Land Office on the same terms and conditions and regulations as those on which surveyed public school land in the same county is sold. If the owner of such original survey or his vendors acquired such survey by purchase from the State, under general law, at a definite price per acre and if under the law in force at the time the survey was acquired from the State the purchaser, or his vendees, are lawfully entitled to purchase the excess at the price at which the original survey was purchased from the State, then the owner may purchase said excess tract under said prior right on the same terms and conditions and at the same price at which the original survey was purchased from the State; but if the said original survey was not acquired by purchase from the State under general law at a definite price per acre, or if under the law in force at the time the original survey was acquired from the State the purchaser or his vendees are not lawfully entitled to purchase the excess at the price at which the original survey was purchased from the State, then the owner may purchase said excess tract under said prior right at its price as appraised by said board, and the board, in making the said appraisement for such purpose, shall not take into consideration any improvements theretofore erected on said excess tract in good faith and owned by the owner of such original survey.

Sec. 7. By excess or excess land, as used in the preceding sections of this act, is meant land within the bounds of a survey as actually made, whether originally or by any resurvey, in excess of the amount which was authorized to be surveyed under the certificate or authority under which the survey was made and which excess has not been purchased from the State and paid for by the owner of the survey or his vendors. In any suit which may be brought by the Attorney General or under his direction or authority to recover excess land owned or claimed by the State or to enforce or to protect any right, claim or interest of the State in anywise incident to, connected with or growing out of such land, when it is made to appear that more land was surveyed or is claimed under the survey than was authorized to be surveyed or located by or under the certificate, warrant or authority, under which the location or survey was made, the same shall be conclusive evidence that to the extent of such excess the survey was made by error, accident, mistake or fraud and the State shall be entitled to recover the same.

Sec. 8. All unsurveyed public school lands and all vacant and excess lands are hereby withdrawn from the market and shall not be sold until after the same have been surveyed under this act. All lands surveyed under this act shall be withheld from sale until the State's ownership of the same has been finally determined, either by the final judgment of a court of competent jurisdiction or by the formal relinquishment of all claim to the same by any person or persons in possession or claiming the same, except that such lands may be acquired under the prior rights given by this act in accordance with the terms of this act. After the field notes of the lands surveyed under this act have been returned to the board and approved by the board, the lands shall be appraised by the board and the appraisement, together with the field notes and classification of the land, filed in the General Land Office, and thereafter and after the State's ownership of the land has been finally determined, as hereinbefore specified, the said lands shall be subject to sale on the same terms and conditions and in the same manner and under the same regulations as surveyed public school land in the same county is sold.

Sec. 9. Any person who is at the time of the making of a survey of any tract of vacant or excess land under this act

an actual settler in good faith on the tract so surveyed shall have a prior right of sixty days after the land is appraised by the board and the field notes and appraisement filed in the General Land Office within which to purchase the tract so surveyed on which he is a settler at the appraised price on the same terms, conditions and regulations as those on which surveyed public school land in the same county is sold. by filing his application to purchase same in the General Land Office.

Sec. 10. Any person who at the time of the making of a survey of any tract of vacant land under this act has filed application for a survey of such tract of vacant land as unsurveyed public school land or as scrap land and by virtue of such application is lawfully entitled to have the said land surveyed and to purchase the same under the law now in force or any former law regulating the sale and purchase of such land, shall have a prior right of sixty days after the land is appraised by the board and the field notes and appraisement filed in the General Land Office to purchase such tract at the price as appraised by the board on the same terms, conditions and regulations as those on which he is entitled to purchase the said land under the law in force at the time his application for such survey was made, regulating the sale and purchase of such land.

Sec. 11. It shall be the duty of the Attorney General to file suit for the recovery of any vacant or excess land referred to in this act, after the same has been surveyed under this act, against any person claiming the same or any part thereof, the Attorney General being thereby authorized to file suit in the name of the State of Texas against any such person, either for the recovery of title and possession of any of said lands or for the recovery of any interest in or to or growing out of the same and belonging to the State, or for the recovery and enforcement of any right of any character whatsoever growing out of, incident to or connected with said land, or for the enforcement or for the protection of any lien which the State may hold in, to or against any of said land, or in any case where any of said land or part of the same is claimed by any person and the successful maintenance of such adverse claim will require the State to refund any purchase money or interest which it may have received

by reason of a sale of the land to any other person or for rents for the use of any of said land or for damages to any of said lands.

Sec. 12. The provisions of the foregoing section authorizing the Attorney General to file suits and fixing the venue thereof in Travis county, Texas, concurrently with the county where the land is situated, shall apply as well to any public school lands owned or formerly owned by the State as to the vacant or excess land referred to in said section; and the Attorney General is hereby authorized to file suit in the name of the State of Texas, either for the recovery of title and possession of any such public school land or for the recovery and enforcement of any interest in or to or growing out of the same and belonging to the State, or for the recovery and enforcement of any right of any character whatsoever growing out of, incident to or connected with said land, or for the enforcement or for the protection of any lien which the State may hold in, to or against such land in any case where any of such land or any part of the same is claimed by any person and the successful maintenance of such adverse claim will require the State to refund any purchase money or interest which it may have received by reason of the sale of the land to any person or for rents for the use of any of such land or for damages to any of said lands; and the venue of any such suits is hereby fixed in Travis county, Texas, concurrently with the county where the land is situated.

Sec. 13. Any county or district surveyor or any deputy county or district surveyor may, with the approval of the board, be employed at any time by the surveyor to assist in making any survey or surveys provided for in this act, and such county or district surveyor or deputy shall be paid as the other assistants are paid under the terms of this act.

Sec. 14. No member of the board created by this act and no surveyor employed by the board under this act and no assistant employed to assist in any way in making a survey under this act, no county or district surveyor, no deputy county surveyor, and no deputy district surveyor employed to assist in any way in making a survey under this act, shall be directly or indirectly concerned in the purchase of any right, title or interest in any of the land surveyed under

this act, either for himself or in his own name, right or interest for any other person or in the name or right of any other person in trust for himself and any such purchase shall be void, and any person who violates any provision of this section shall be guilty of a misdemeanor and, on conviction, shall be punished by fine not to exceed \$500 or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

Sec. 15. Any person who shall willfully interfere with or obstruct the work of any surveyor or any person assisting in making any survey under this act, or any person who shall prevent any surveyor or any person assisting in the making of a survey under this act from entering any inclosure necessary or proper to be entered in making any survey under this act, shall be guilty of a misdemeanor and, on conviction, shall be punished by fine not to exceed \$500 or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment, and in the event the county attorney of the county in which the offense is committed fails or refuses to prosecute any person violating this section of this act, it shall be the duty of the Attorney General, in person or through one of his assistants, to prosecute the person violating any provision of this section. And in the event the county attorney or the Attorney General shall represent to the county judge of the county in which the offense was committed that he does not believe the State can get a fair and impartial trial in the county, or in the event the county judge himself is convinced that such is the case, the county judge shall transfer said cause to the court of proper jurisdiction of some adjoining county, unless the sentiment in said county is the same or similar to that from which the venue is originally changed, in which latter event the venue shall be changed to some county in which the State can obtain a fair and impartial trial.

Sec. 16. No corporation shall purchase any of the lands surveyed under this act.

Sec. 17. Articles 5347, 5348, 5349, 5396, 5397, 5398, 5399 and 5400 of the Revised Civil Statutes of 1911 are hereby expressly repealed.

Sec. 18. There is hereby appropriated out of any funds not otherwise appropriated the sum of ten thousand dollars for fiscal year ending August 31, 1914,

and ten thousand dollars for fiscal year ending August 31, 1915, or so much thereof as may be necessary to carry out the provisions of this act, and in the event said sum is not sufficient to complete the work, the Governor be and he is hereby authorized to declare a deficiency for an additional sum not to exceed the amount of this appropriation.

Sec. 19. The fact that there is no adequate law whereby the existence of vacant and excess lands belonging to the State may be ascertained, and the said lands recovered for the State, and the fact that there are thousands of acres of vacant and excess lands in the State which are claimed or held adversely to the State, and to the impairment of the public school fund, and the near approach of the end of the session, create an imperative public necessity and emergency requiring that the rule that all bills be read on three several days in each house be suspended, and the same is hereby suspended and this act shall take effect and be in force immediately from and after its passage, and it is so enacted.

S. B. No.—

By Hudspeth.

## A BILL

### To Be Entitled

An Act prohibiting any railroad company organized under the laws of this State from consolidating by private or judicial sale or otherwise with any railroad company organized under the laws of any other State or of the United States; defining what is meant by the term "consolidate" as used in this act; providing that the ownership by a railroad company or by the stockholders thereof incorporated under the laws of another State or of the United States of the stock or bonds or both of a domestic railroad company shall not be used as a means to consolidate the domestic company with such foreign company; that where any such foreign company may have heretofore or may in the future acquire a majority of the stock of a domestic company that such domestic company shall be operated as an absolutely independent company, and that such domestic company shall not have any officer or employe who is an officer or employe of a foreign company where the duties of such positions are incompatible with each other; that no contract shall be made directly, indirectly, by custom or otherwise, between the foreign and



the domestic company except such as are consistent with the welfare and independent management of the domestic company; providing that all minutes, orders or decrees of the domestic company and of its stockholders and directors in relation to the foreign company shall be transmitted immediately to the Railroad Commission of Texas, and before becoming effective shall be approved by the Commission; that all contracts, agreements and understandings of every kind between the domestic company and the foreign company and its or their officers shall be submitted to the Railroad Commission of Texas and before becoming effective shall be approved by the Commission; that all correspondence between the domestic company and the foreign company shall be kept and copies delivered to the Railroad Commission when called for; that all contracts, agreements, telegrams, books, papers and each and every instrument of whatever kind showing the relation between the domestic company and the foreign company shall be subject to examination and approval or disapproval by the Railroad Commission of Texas; authorizing the Commission to employ such clerks, examiners and civil engineers as may be necessary to examine or cause to be examined at least once each year each corporation operating under this act and oftener when the Commission may deem it necessary; the expense thereof to be paid by the corporation examined; providing that if any corporation subject to the provisions of this act shall refuse to submit its books, papers and affairs to the inspection of the Railroad Commission or its examiners, or if any officer, director, employe or trustee of such company shall refuse to submit to such examination under oath touching its affairs, or if said company violates its charter or any law of this State or any provision of this act, the Railroad Commission shall take such action to correct the matter and report such facts to the Attorney General, who shall institute such proceedings as are authorized by law; providing that all domestic railroad companies a majority of whose stock or bonds have been or may be acquired by any foreign railroad company or by the stockholders, officers, directors, bondholders or trustees of such company, shall be and are declared to be subject to this act; authorizing the At-

torney General, on direction of the Railroad Commission or on his own motion, when this act or any other law of this State is violated, to institute and prosecute such actions for the dissolution of charters, for the cancellation of unauthorized contracts or arrangements and for injunctions, as may be necessary and authorized by law; fixing the venue of all such suit or suits; providing for the prosecution, conviction and punishment criminally of any director, officer, agent or employe of a railroad company or any other person who knowingly does any act or thing to bring about a consolidation of a domestic railroad company with a foreign railroad company in violation of this act; also prohibiting any corporation chartered under the laws of this State or the lessees, purchasers or managers thereof from consolidating the stock, property or franchises of such corporation with or lease or purchase the works, franchises or in any way control a railroad corporation owning or having under its control a parallel or competing line of railroad; prohibiting any officer of any railroad corporation from acting as an officer of any other railroad corporation owning or having control of any parallel or competing line; providing the means and the procedure by which any railroad corporation, the lessees, purchasers or managers thereof, may consolidate the stock, property and franchises of such corporation with or lease or purchase the works or franchises of any other railroad corporation where the same is not or does not have under its control a parallel or competing line; providing that this act shall not repeal any existing law, but shall be cumulative thereof; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. No railroad company organized under the laws of this State shall consolidate by private or judicial sale, or otherwise, with any railroad company organized under the laws of any other State or of the United States.

Sec. 2. By "consolidate," as used in this act, is meant to unite into one either the physical properties of the several railroad companies, or a union into one body of the interests, management and control of the several railroads, either by the formation of a new company out of the consolidated ones, or by uniting the management of the old

companies under one and the same management while their distinct corporate entities still remain, or the formation of one system out of the several companies in which the management of the domestic company becomes subordinate to that of the foreign company; or where both the domestic and foreign companies are placed under a single management and control in their operation; or the doing of any act or thing, or the exercise of any control in any manner by which the foreign company acquires the right to interfere in the management of the affairs of the domestic company. And it shall be immaterial in what manner the consolidation herein defined is brought about, whether by sale, lease or purchase of the physical properties, or by the purchase, sale or pledging of the stock or bonds, or both. Any act or thing which brings about a consolidation as herein defined is prohibited.

Sec. 3. Whenever a railroad company incorporated under the laws of another State or of the United States becomes the owner of the stock or bonds or both the stock and bonds of a domestic company, or when the stockholders of a foreign company may become the owners of the stock or bonds or both the stock and bonds of a domestic company, such ownership shall not be used to consolidate the properties of the roads or to consolidate the domestic company with the foreign company.

Sec. 4. Whenever any foreign railroad company or its stockholders shall by purchase or otherwise, or where such company or its stockholders have heretofore by purchase or otherwise come into possession of the majority of the stock of a domestic railroad company, then still such domestic company shall be operated as an absolutely independent company, and there shall not be selected as an officer or employe of the domestic company any officer or employe of the foreign company whose duties as such officer or employe of the foreign company are incompatible with his duties as an officer or employe of the domestic company; and there shall not be made directly or indirectly, expressly or by implication nor by custom, any contract or agreement by and between the foreign company and the domestic company except such as is consistent with the welfare and absolutely independent management of the domestic company.

Sec. 5. All minutes of any meeting, orders and decrees of the domestic company, its stockholders and directors in relation to the foreign company shall be

immediately transmitted to the Railroad Commission of Texas and shall not become effective nor shall anything be done thereunder unless and until approved by the Commission. All contracts, agreements, understandings of every kind and character between the domestic company and the foreign company and its officers and directors shall be immediately submitted to the Railroad Commission of this State for consideration and shall not become effective unless and until approved by the Commission; all correspondence of any kind and character between the domestic and foreign companies, whether by telegram, letter or otherwise, shall be kept and filed in a systematic manner and copies thereof delivered to the Railroad Commission of this State or its agents and representatives when called for; and all contracts, letters, agreements, telegrams, books, papers and each and every instrument of whatsoever kind or character showing the relations between the domestic and foreign company shall be at all times subject to the examination of the Railroad Commission of Texas or to examination by anyone authorized by the Commission to examine the same. The Railroad Commission of Texas shall have authority to approve any and all contracts between the foreign and domestic companies, their agents, officers and directors not prohibited by law; the Commission shall have authority to approve any and all contracts, the result of which shall be for the benefit of the domestic company and for the good of the public service and not inconsistent with the independent management and control of the domestic company.

Sec. 6. The Railroad Commission of this State shall employ from time to time such clerks, examiners and civil engineers as it may need to discharge in proper manner the duties imposed by this act, and who shall perform such additional duties as may be assigned them by the Commission.

Sec. 7. It shall be the duty of the Railroad Commission of this State at least once during each calendar year to cause each corporation operating under this act to be thoroughly and fully examined and any such corporation may be examined in addition thereto when the Railroad Commission may deem it necessary or expedient. The expense of every general or special examination shall be paid by the corporation examined, in such amount as the Railroad Commission shall certify to be just and reasonable, provided that such corporation shall not



be required to pay more than the actual cost of the examination and the expenses of the examiner or examiners as ascertained and certified by the Railroad Commission, the expenses of such examination to embrace all sums of money paid out by the State to the examiner or examiners examining same, taking into consideration the salary, traveling expenses and other expenses necessarily incurred by such examiner.

Sec. 8. If any corporation subject to the provisions of this act shall refuse to submit its books, papers and affairs to the inspection of the Railroad Commission, or any of its examiners, or if any officer, director or trustee or employe thereof shall refuse to submit to be examined on oath touching the affairs of such corporation, or if it shall be found to have violated its charter or any law of the State binding upon it, or any provision of this act, the Commission shall report such fact to the Attorney General, who shall institute such action or proceedings against such corporation as are authorized by law.

Sec. 9. Whenever it shall appear to the Railroad Commission from any examination made by them or their examiners, or from any statement filed by such corporation, that such corporation has violated or is violating any of the laws of this State or any of the provisions of this act, or that it is conducting its business in a manner unauthorized by law, the Commission shall, by order duly entered, a certified copy of which shall be delivered by registered mail or otherwise to the general manager of such corporation, or other such officer as may be its executive head at the time, directing the discontinuance of such unauthorized and illegal acts, and shall direct a strict compliance with the law; and whenever any such report as required by this act, or to comply with any such orders as aforesaid, or when it appears that any act or thing is being done in violation of law or jeopardizing the interests of the bondholders of such corporation, the Commission shall communicate the facts to the Attorney General and direct him to institute such proceedings as the nature of the case may require.

Sec. 10. All railroad corporations chartered under the laws of this State, a majority of whose stock or bonds have been acquired or which may hereafter be acquired by any foreign railroad company, or by the stockholders, officers, directors, bondholders or trustees of any

foreign railroad company shall be and are declared to be subject to the provisions of this act.

Sec. 11. Upon a violation of any of the provisions of this act, or any other laws of this State, it shall be the duty of the Attorney General, upon the request of the Railroad Commission of Texas, or upon his own motion, and without leave or order from any judge or court, to institute suit or quo warranto proceedings in Travis county, or at the county seat of any county in the State which the Attorney General may select, for the forfeiture of the charter rights and franchises and the dissolution of the corporate existence of any corporation guilty thereof; for the dissolution of any contract or agreement of any domestic company with a foreign company in violation of the terms of this act, or for any injunction restraining the domestic company from carrying out the terms and provisions of such agreements; or restraining the continuance of any unlawful practice or custom of the domestic company with the foreign company, its agents, officers and directors, and for each and all of the purposes herein specified venue is hereby given to each district court in the State of Texas.

Sec. 12. All actions authorized and brought under this act shall have precedence, on motion of the Attorney General, of all other business, civil and criminal, except criminal cases where defendants are in jail.

Sec. 13. Any director, officer, agent or employe of any railroad company subject to the provisions of this act or any other person who knowingly does any act or thing to bring about a consolidation of a domestic railroad company with a foreign railroad company in violation of the provisions of this act, shall be deemed to be guilty of a felony, and shall be punished by confinement in the State penitentiary for not less than one year nor more than ten years; provided, no individual shall be prosecuted for acts done upon order of or with approval of the Railroad Commission.

Sec. 14. No railroad or other corporation chartered under the laws of this State or the lessees, purchasers or managers of any railroad corporation shall consolidate the stock, property or franchises of such corporation with or lease or purchase the works or franchises of or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor

shall any officer of any railroad corporation act as an officer of any other railroad corporation owning or having control of any parallel or competing line.

Sec. 15. Any railroad or the lessees, purchasers or managers of any railroad corporation may consolidate the stock, property or franchises of such corporation with or lease or purchase the works or franchises of any other railroad corporation; provided, such other railroad corporation is not or does not own or have under its control a parallel or competing line. Provided, however, such consolidation shall be upon the terms and conditions and in the manner following: The companies desiring to bring about such consolidation shall apply in writing to the Railroad Commission of this State for permission to make such consolidation, setting forth the terms thereof. The Commission shall carefully examine into the matter and determine the fact as to whether or not the consolidation proposed is with a parallel or competing line, and shall also determine in its discretion whether or not such consolidation is for the best interest of the public; should the Commission find that such consolidation is not with a competing or parallel line and that the same is for the best interest of the public, it shall so state in its order granting the application. If they do not so find, they shall enter an order refusing the application, whereupon no further action shall be taken, but the companies applying therefor shall have the right to

apply to the Legislature for a special law permitting the consolidation.

Sec. 16. Should the Commission enter an order granting the application to consolidate, then the interested companies shall be permitted to consummate the same; provided, the consolidation is accepted by two-thirds of the stock of each of the interested companies. After such consolidation has been completed, then each of the companies interested therein or the surviving company into which the other companies have been merged shall file with the Secretary of State an amendment to its corporate charter authorizing it to exercise the rights and privileges acquired by the consolidation, accompanied by a certified copy of the order of the Railroad Commission permitting the consolidation and certified copy of the minutes of the meeting of the stockholders of each of the companies interested in the consolidation.

Sec. 17. This act shall not be construed to repeal any general or special law governing railroads in this State, but shall be considered as cumulative thereof.

Sec. 18. The fact that this session of the Legislature is fast growing to a close and that this act is an important one for the general welfare of the State, creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills shall be read on three several days in each house shall be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

H. B. No. 2.

By Wortham.

# A BILL

To be entitled

An Act making appropriations for the support of the State government for two years, beginning September 1, 1913, and ending August 31, 1915, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State government for the year ending August 31, 1913, and to pay various miscellaneous claims against the State, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated for the support and maintenance of certain State departments of the State, as follows, to wit:

## Executive Office.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Governor.....	\$ 4,000 00	\$ 4,000 00
Salary of private secretary.....	2,400 00	2,400 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of two stenographers at \$1200 each.....	\$ 2,400 00	\$ 2,400 00
Salary of porter.....	480 00	480 00
Payment of rewards and other expenses necessary for the enforcement of the law, and telegraphing and telephoning for all purposes.....	7,500 00	7,500 00
Payment of rewards and other expenses necessary for the enforcement of the law heretofore authorized, to be expended under the direction of the Governor.....	1,000 00	
Traveling expenses of Governor.....	1,000 00	1,000 00
Books and stationery.....	500 00	500 00
Freight and postage.....	500 00	500 00
Ice .....	36 00	36 00
Contingent expenses .....	100 00	100 00
To pay Lieutenant Governor for acting as Governor, to be used in two years.....	500 00	
Salaries of Board of Pardon Advisers.....	4,000 00	4,000 00
Salaries of stenographic clerk and bookkeeper for Board of Pardon Advisers.....	1,200 00	1,200 00
Contingent expenses of Board of Pardon Advisers....	200 00	200 00
One typewriter .....	100 00	
Expenses of Board of Pardon Advisers in visiting penitentiaries, reformatory and camps.....	500 00	500 00
Total .....	\$ 26,416 00	\$ 24,816 00

Provided, that the amounts herein appropriated for each item, as stated herein, and no more, shall be paid out of the general revenue for the Executive Department during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor any obligations incurred in excess of the amounts herein appropriated.

#### Mansion and Grounds.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
For Governor's Mansion, including repairs and remodeling of Mansion and improvements to grounds surrounding Mansion, and repairs of walks around Mansion grounds, and necessary labor for care of same to be expended in two years.....	\$ 12,000 00	
Labor and employes at Mansion.....	1,000 00	\$ 1,000 00
Fuel and lights, water and ice.....	550 00	550 00
Contingent expenses .....	100 00	100 00
Total .....	\$ 13,650 00	\$ 1,650 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Mansion and Grounds during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor warrants issued, nor obligations incurred in excess of the amounts herein appropriated.

#### Department of State.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Secretary of State.....	\$ 2,000 00	\$ 2,000 00
Salary of chief clerk.....	1,800 00	1,800 00
Salary of cashier and clerk (to be placed under \$10,000 bond) .....	1,800 00	1,800 00
Salary of bookkeeper.....	1,500 00	1,500 00

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Salary of general clerk.....	\$ 1,350 00	\$ 1,350 00
Salary of assistant bookkeeper.....	1,200 00	1,200 00
Salary of executive clerk.....	1,350 00	1,350 00
Salaries of four stenographers.....	4,800 00	4,800 00
Salary of porter.....	480 00	480 00
Salary of emergency clerks, not to exceed \$100 per month .....	2,500 00	2,500 00
Freight, postage, express, telegraphing and telephoning and contingent expenses.....	2,800 00	2,800 00
Books and stationery.....	1,500 00	1,500 00
Furniture, files and typewriters.....	600 00	600 00
Total .....	\$ 23,680 00	\$ 23,680 00

Provided, that the head of said department keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences shall be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of State during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations incurred in excess of the amounts herein appropriated.

#### State Revenue Agent.

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Salary of State Revenue Agent.....	\$ 2,000 00	\$ 2,000 00
Salary of office assistant and clerk.....	1,200 00	1,200 00
Traveling and other expenses.....	1,200 00	1,200 00
Stationery, stamps and telegraphing.....	300 00	300 00
Office furniture .....	200 00	
Total .....	\$ 4,900 00	\$ 4,700 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Revenue Agent during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor any obligations incurred in excess of the amounts herein appropriated.

#### Public Buildings and Grounds.

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Salary of Superintendent.....	\$ 1,500 00	\$ 1,500 00
Salary of Superintendent for looking after State property outside of Austin.....	300 00	300 00
Salary of clerk.....	1,000 00	1,000 00
Salary of engineer and electrician.....	1,200 00	1,200 00
Salary of assistant engineer and electrician.....	900 00	900 00
Salaries of seven watchmen, ex-Confederate soldiers and sailors to be given preference in employment.....	5,040 00	5,040 00
Salary of carpenter.....	900 00	900 00
Salaries of two firemen.....	1,440 00	1,440 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915
Salary of one elevator man.....	\$ 720 00	\$ 720 00
Salary of painter.....	1,000 00	1,000 00
Salary of plasterer.....	800 00	800 00
Salaries of six cleaners.....	3,240 00	3,240 00
Salary of teamster.....	480 00	480 00
Salary of W. P. Zuber, guide in charge of paintings....	480 00	480 00
Salary of Mrs. Rebecca J. Fisher, assistant guide in charge of paintings.....	480 00	480 00
Labor and material on Capitol grounds, keeping State cemetery, repairing State sewer and for headstones for Confederate and Texas veterans interred in State Cemetery .....	6,400 00	6,400 00
New fence around State cemetery.....	5,000 00	
Water, light, fuel and contingencies, and to purchase machinery .....	12,000 00	12,000 00
Oil and waste for engines, dynamos and steam pumps and drawing paper and stationery.....	400 00	400 00
Feed for teams.....	300 00	300 00
Tools and implements.....	200 00	200 00
Laying water mains and fire hydrants.....	4,000 00	
Paving for unfinished portions of Capitol drives.....	5,000 00	
For improvements, maintenance and care of San Jacinto State Park .....	10,000 00	10,000 00
Salary of keeper of San Jacinto State Park.....	720 00	720 00
Pipes and fittings.....	400 00	400 00
For the improvement of the Alamo property in the city of San Antonio, to be spend under the exclusive direction of the Daughters of the Republic.....	5,000 00	
For repairing roof of Capitol.....	7,500 00	
For the care and maintenance of the Fannin Battlefield State Park and the Gonzales State Park.....	1,000 00	1,000 00
* Total .....	\$ 77,400 00	\$ 50,900 00

Provided, that the head of this department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department; and provided further, that the superintendent shall keep an itemized account of the expenses of the department and incorporate the same in his annual report.

Provided further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for Public Buildings and Grounds during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations incurred in excess of the amount herein appropriated.

#### Inspector of Masonry, Public Buildings and Works.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Inspector .....	\$ 2,400 00	\$ 2,400 00
Salary of two assistants.....	3,200 00	3,200 00
Stationery, postage and box rent.....	75 00	90 00
Office furniture, plan reading tables, shelving, cases for blue prints, record files for operation and materials on works for two years.....	300 00	300 00



For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Contingent office expenses, including telephone, water and ice .....	\$ 100 00	\$ 100 00
Material tests and analyses, long distance telephone, telegraphing, express and freight charges, incidentals pertaining to the supervision of State buildings and traveling expenses for two assistants and the Inspector	3,575 00	3,580 00
<b>Total</b> .....	<b>\$ 9,650 00</b>	<b>\$ 9,650 00</b>

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Inspector of Masonry, Public Buildings and Works during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

#### Department of Insurance and Banking.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Commissioner.....	\$ 2,000 00	\$ 2,000 00
Additional compensation for the Commissioner because of additional duties placed on him by the general session of the Thirty-third Legislature.....	2,000 00	2,000 00
Salary of Commissioner as ex-officio Superintendent of Banking .....	500 00	500 00
Salary of Commissioner as member of State Insurance Commission .....	500 00	500 00
Salary of chief clerk.....	1,800 00	1,800 00
Salary of actuary.....	2,500 00.	2,500 00
Salary of actuary's clerk.....	1,500 00	1,500 00
Salary of bank clerk.....	1,800 00	1,800 00
Salaries of three assistant bank clerks.....	3,600 00	3,600 00
Salary of stenographer.....	1,200 00	1,200 00
Salary of certificate clerk.....	1,200 00	1,200 00
Salary of bookkeeper and general clerk .....	1,200 00	1,200 00
Salary of general clerk and stenographer.....	1,200 00	1,200 00
Salary of statistical clerk.....	1,200 00	1,200 00
Salary of stenographer, Banking Department.....	1,200 00	1,200 00
Salary of porter and file clerk.....	480 00	480 00
Traveling expenses, hotel bills, incurred by the Commissioner, or any of his assistants or employes when out of the city of Austin on business for the department, or so much thereof as may be necessary.....	1,500 00	1,500 00
Expenses of Commissioner, in enforcing the insurance laws, or so much thereof as may be necessary.....	1,500 00	1,500 00
Postage, stationery, telegraph, express and long distance phone calls, or so much thereof as may be necessary ..	3,500 00	3,500 00
Rent of telephone.....	72 00	72 00
Binding annual statements of insurance companies....	50 00	50 00
Ice .....	36 00	36 00
Contingent expenses .....	250 00	250 00
Publishing insurance laws, to be expended in two years	500 00	
Office furniture, including typewriters, calculating machines, and necessary repairs, or so much thereof as may be necessary.....	1,000 00	500 00
Salaries of seventeen bank examiners at \$2000 each...	34,000 00	34,000 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Traveling expenses of seventeen bank examiners, and of the Commissioner in connection with bank matters, or so much thereof as may be necessary . . . . .	\$ 31,875 00	\$ 31,875 00
Salaries of three additional bank examiners first year, and five second year, if necessary to be appointed; provided, the Commissioner of Insurance and Banking is authorized to appoint necessary bank examiners not to exceed one for every forty banks organized and operated under the laws of this State . . . . .	6,000 00	10,000 00
Traveling expenses of additional bank examiners, if appointed, or so much thereof as may be necessary . . . . .	5,625 00	9,375 00

#### State Insurance Commission.

Salaries of two members of State Insurance Commission to be appointed by the Governor, \$2500 each . . . . .	5,000 00	5,000 00
Compensation of experts, clerical force and other persons employed by the State Insurance Commission, and all necessary traveling expenses, and such other expenses as may be necessary in carrying out the provisions of the act creating said State Insurance Commission . . . . .		94,500 00
Workmen's Compensation Act—		
Salary of chairman of Industrial Accident Board to be appointed by the Governor . . . . .	3,000 00	3,000 00
Salaries of two members of Industrial Accident Board, to be appointed by the Governor, \$2500 each . . . . .	5,000 00	5,000 00
Salary of Secretary of Industrial Accident Board . . . . .	2,000 00	2,000 00
For clerical services, traveling expenses, office furniture and equipment, postage, telegraph, telephone, typewriter, express and such other expenses as may be necessary in carrying out the act creating said Industrial Accident Board . . . . .	5,000 00	5,000 00
Expenses which may be incurred by the board of directors of the Texas Employers' Insurance Association, under the provisions of Section 23, Part III, Chapter 179, Acts Thirty-third Legislature, or so much thereof as may be necessary . . . . .	5,000 00	5,000 00
Total of needed appropriations . . . . .	\$134,788 00	\$236,038 00

Provided, that all money collected by the authority of law from insurance companies and State bank and trust companies be paid into the State Treasury.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of Insurance and Banking during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor warrants issued or obligations incurred in excess of the amounts herein appropriated.

#### Texas Library and Historical Commission.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Librarian . . . . .	\$ 2,000 00	\$ 2,000 00
Salary of assistant librarian and cataloguer . . . . .	1,200 00	1,200 00
Salary of archivist . . . . .	1,200 00	1,200 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of stenographer and copyist.....	\$ 1,000 00	\$ 1,000 00
Salary of porter.....	480 00	480 00
Books for State Library.....	800 00	800 00
Gathering historical data.....	700 00	700 00
Stationery, library supplies, postage, freight.....	500 00	500 00
Subscriptions to newspapers and periodicals.....	250 00	250 00
Printing and publishing two volumes of Texas archives, to be expended in two years.....	1,500 00	
Binding and repairs.....	400 00	400 00
Traveling expenses of Commission when attending board meetings .....	100 00	100 00
Traveling expenses of State Librarian in the service of the Commission .....	100 00	100 00
Collecting and disseminating information about public libraries .....	200 00	200 00
Shelving for books, newspapers and manuscripts, with the necessary stack floors, railings and stairs; tables and chairs for reading room; office furniture, filing cabinets for legislative reference section, card cata- logue cases; gratings over windows in manuscript room, cases for Texas, Mexican and Confederate flags.	2,000 00	2,000 00
Telephone rent .....	48 00	48 00
Contingent expenses, including typewriter.....	200 00	100 00
Fire extinguishers .....	150 00	
For maintenance of Legislative Reference Department	5,000 00	5,000 00
Total .....	\$ 17,828 00	\$ 16,078 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, further, that the porter provided for the Supreme Court Library Department of the State Library shall work under the direction of the State Librarian in keeping that department in sanitary condition, and his failure to do so shall be sufficient cause for his dismissal.

#### State Tax Board.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Tax Commissioner.....	\$ 2,500 00	\$ 2,500 00
Salary of stenographer and accountant.....	1,200 00	1,200 00
Furniture .....	100 00	
Typewriter .....	100 00	
Postage, express, telegraph and telephone.....	300 00	300 00
Books and stationery.....	100 00	50 00
Contingent expenses .....	100 00	100 00
Total .....	\$ 4,400 00	\$ 4,150 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences shall be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Tax Board during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account;

and provided further, that no deficiency shall be created, nor shall any warrant be issued, nor obligations incurred in excess of the amounts herein appropriated.

#### State Purchasing Agent.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of State Purchasing Agent is hereby fixed at...	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	1,500 00	1,500 00
Salary of assistant clerk.....	1,000 00	1,000 00
Salary of porter.....	480 00	480 00
Extra help for preparing and making awards.....	150 00	150 00
One electric adding machine.....	355 00	
One typewriter .....		85 00
Furniture .....	100 00	
Contingent and traveling expenses.....	850 00	850 00
Total .....	\$ 6,935 00	\$ 6,565 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department; provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Purchasing Agent during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account, nor shall any warrants be issued nor any obligations incurred in excess of the amounts herein appropriated.

Provided further, that the State Purchasing Agent shall advise the Financial Agent of the State Penitentiary when any department or State institution desires or needs any furniture or machinery, or anything else that is or may be manufactured at the State penitentiary, or the time set for receiving bids for said articles. Said notification shall be made by means of sending a duplicate notice of any public advertisement calling for bids by registered mail to the Financial Agent of the Penitentiary at Huntsville.

#### Public Printing.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Expert Printer and Secretary of Printing Board .....	\$ 1,800 00	\$ 1,800 00
Salary of one assistant and bookkeeper.....	1,200 00	1,200 00
First, second and third class printing and binding, and for printing papers of first, second and third class public printing .....	30,000 00	30,000 00
For printing and binding Texas Reports, Texas Civil Appeals Reports and Texas Criminal Reports.....	9,000 00	9,000 00
For advertising State business.....	500 00	500 00
Telephone rent, postage, stationery and files, furniture and contingent expenses.....	150 00	150 00
Total .....	\$ 42,650 00	\$ 42,650 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for Public Printing during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

#### Bureau of Labor Statistics.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner.....	\$ 2,000 00	\$ 2,000 00
Salaries of two factory inspectors.....	2,400 00	2,400 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of one safety appliance inspector.....	\$ 1,200 00	\$ 1,200 00
Salary of one statistician and stenographer.....	1,200 00	1,200 00
Traveling expenses for the department.....	3,000 00	3,000 00
Postage and stationery.....	200 00	200 00
One typewriter, one book case.....	110 00	
Contingent expenses, telegraphing, telephone, ice, and janitor .....	200 00	200 00
Total .....	\$ 10,310 00	\$ 10,200 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Bureau of Labor Statistics during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor shall any obligations be incurred in excess of the amounts herein appropriated.

#### Adjutant General's Department.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Adjutant General.....	\$ 2,000 00	\$ 2,000 00
Salary of Assistant Adjutant General, who shall be chief clerk .....	1,500 00	1,500 00
Salary of Quartermaster General.....	1,500 00	1,500 00
Salary of stenographer.....	1,000 00	1,000 00
Salary of porter, messenger and armorer.....	480 00	480 00
Stationery, postage, telegraphing and telephoning.....	600 00	600 00
Ranger force in suppression of lawlessness and crime...	20,000 00	20,000 00
Payment of transportation and subsistence for the Texas National Guard when called into actual service under the law, and for such other military expenses incidental thereto, or so much thereof as may be necessary .....	5,000 00	5,000 00
For labor in arsenal and storeroom, repair of arms and equipment, laundry and repair of uniforms in store-rooms, transportation of military stores and supplies, transportation and expenses of officers serving on military courts and boards, and transportation and expenses of witnesses appearing before military courts and boards .....	2,500 00	2,500 00
Payment of transportation and subsistence of Texas National Guard for camps of instruction at Camp Mabry, and all other military expenses, to be used in two years.....	10,000 00	10,000 00
Office files, furniture and floor coverings.....	400 00	100 00
Rent and maintenance of armories and purchase of armory equipment .....	20,000 00	20,000 00
Erection of storehouse at Camp Mabry.....	20,000 00	
To make the final payment on 63 acres of land adjoining Camp Mabry.....	3,300 00	
Total .....	\$ 88,280 00	\$ 64,680 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Adjutant General's Department during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.



## Texas State Board of Health.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of president.....	\$ 2,500 00	\$ 2,500 00
Salary of board and mileage.....	1,000 00	1,000 00
Salary of registrar of vital statistics.....	1,800 00	1,800 00
Salary of chemist and bacteriologist.....	1,800 00	1,800 00
Salary of stenographer and bookkeeper.....	1,200 00	1,200 00
Salary of filing and index and general clerk.....	900 00	900 00
Salary of porter.....	480 00	480 00
Salary of quarantine officer at Galveston when actually engaged in service, at \$200 per month.....	2,400 00	2,400 00
Salary of assistant quarantine officer at Galveston when actually engaged in service.....	1,500 00	1,500 00
Salary of engineer on launch at Galveston, at \$75 per month .....	900 00	900 00
Salary of disinfecter at Galveston, at \$75 per month..	900 00	900 00
Salary of two assistant disinfectors at Galveston, at \$720 each .....	1,440 00	1,440 00
Salary of captain on disinfecting vessel at Galveston, at \$100 per month.....	1,200 00	1,200 00
Salary of engineer on disinfecting vessel at Galveston, at \$100 per month.....	1,200 00	1,200 00
Salaries of two deck hands on disinfecting vessel at Galveston, \$720 each.....	1,440 00	1,440 00
Salary of quarantine officer at Sabine Pass, when actually engaged in service, at \$150 per month.....	1,800 00	1,800 00
Salary of one disinfecter at Sabine Pass, at \$60 per month .....	720 00	720 00
Salary of one boatman at Sabine Pass, at \$50 per month	600 00	600 00
Salary of engineer at disinfecting plant at Sabine Pass, at \$75 per month.....	900 00	900 00
Salary of quarantine inspector at Brownsville, when actually engaged in service, at \$150 per month for six months .....	900 00	900 00
Salary of quarantine officer at Aransas Pass, when actually engaged in service, at \$150 per month.....	1,800 00	1,800 00
Salary of boatman at Aransas Pass, when actually engaged in service, at \$50 per month.....	600 00	600 00
Salary of engineer at Aransas Pass.....	900 00	900 00
Salary of quarantine officer at Velasco, when actually engaged in service, at \$100 per month.....	1,200 00	1,200 00
Salary of quarantine officer at Pass Cavallo, when actually engaged in service, at \$50 per month, for six months .....	300 00	300 00
Salary of boatman at Pass Cavallo, when actually engaged in service, at \$10 per month.....	120 00	120 00
Salary of quarantine officer at El Paso while actually engaged in service, at \$150 per month, for six months	900 00	900 00
Salary of quarantine officer at Eagle Pass, when actually engaged in service, at \$150 per month.....	900 00	900 00
Salary of quarantine officer at Laredo, when actually engaged in service, at \$150 per month, for six months	900 00	900 00
Traveling expenses and office expenses, including telegraphing and telephoning, and maintenance of permanent quarantine station, except for salaries at Galveston, Sabine Pass, Velasco, Pass Cavallo, Brownsville, Eagle Pass and El Paso, for guarding State line at other places against infectious diseases as may become necessary from time to time, and for necessary repairs to State property; also for necessary expenses, equipment and supplies for the hookworm department and the State laboratory each year.....	15,000 00	15,000 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Purchase of boat at Sabine Pass and Aransas Pass.....	\$ 12,000 00	\$ 12,000 00
For the purpose of carrying out the provisions of House bill No. 366 as passed by the Thirty-third Legislature, providing for a public health exhibit in railroad car or cars, and carrying on educational campaign for the protection of public health against communicable diseases .....	\$ 10,000 00	\$ 10,000 00
Total .....	\$ 70,200 00	\$ 58,000 00

Provided, that the President of said Board may abolish such positions as are herein set forth, if, in his judgment, the same are not necessary for the protection of the public health, or he may require officers to perform such other work in his department as he may think for the interest of the public health.

Provided, that the President of said Board shall submit to the Governor at the end of each three months an itemized report, showing the manner in which said funds are expended; and said itemized report shall, after approval, be filed with the Comptroller for public inspection.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record shall be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Texas State Board of Health during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

#### Game, Fish and Oyster Commission.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner.....	\$ 1,800 00	1,800 00
Salary of general clerk and stenographer.....	1,200 00	1,200 00
Office rent, traveling expenses and other expenses of the Commissioner .....	600 00	600 00
Stationery .....	50 00	50 00
For assistant to enforce game laws.....	1,200 00	1,200 00
For second assistant to enforce game laws.....	1,200 00	1,200 00
Purchasing and repairing boats, to be expended in two years .....	2,500 00	
Total .....	\$ 9,750 00	\$ 7,250 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Fish and Oyster Commission during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

#### Live Stock Sanitary Commission.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
To pay per diem and expenses of three Commissioners.\$	4,000 00	\$ 4,000 00
Salary of chief inspector.....	1,500 00	1,500 00
Salaries of thirty inspectors at \$1000 each.....	30,000 00	30,000 00
Traveling expenses of chief inspector.....	600 00	600 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Expense account of inspectors engaged in tick or scab eradication and charbon work, at \$25 per month....	\$ 9,000 00	\$ 9,000 00
Salary of veterinarian.....	1,800 00	1,800 00
Traveling expense of veterinarian.....	700 00	700 00
Salaries of stenographer and bookkeeper.....	1,200 00	1,200 00
To pay for spraying machines and furnishing "dip" for tick eradication on small farms and ranches, and pay for inspectors doing the work.....	600 00	600 00
Office rent, stationery and stamps.....	1,000 00	1,000 00
Total .....	\$ 50,400 00	\$ 50,400 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Live Stock Sanitary Commission during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

#### State Mining Board.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salaries of State Mining Board.....	\$ 600 00	\$ 600 00
Traveling expenses for Board.....	750 00	750 00
Salary of State Mine Inspector.....	2,000 00	2,000 00
Traveling expenses for Inspector.....	1,000 00	1,000 00
Maintaining and equipping an office for Mining Board and Inspector .....	900 00	300 00
Purchase of oxygen helmet apparatus and pulmotor with reviving apparatus for instruction and mine rescue work and expense of maintenance.....	2,000 00	
Total .....	\$ 7,250 00	\$ 4,900 00

Provided, that the amounts herein appropriated for the items as herein stated, and no more, shall be paid out of the general revenue for the State Mining Board during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

#### Pure Food Commission.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Commissioner.....	\$ 2,500 00	\$ 2,500 00
Salaries of two chemists.....	3,500 00	3,500 00
Salaries of two inspectors.....	3,000 00	3,000 00
Salary of stenographer.....	900 00	900 00
Office and laboratory supplies.....	900 00	900 00
Stamps and stationery.....	250 00	250 00
Traveling and other expenses.....	3,000 00	3,000 00
Totals .....	\$ 14,050 00	\$ 14,050 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons thereof, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as herein stated, and no more, shall be paid out of the general revenue for the Pure Food Commission during the fiscal years beginning September 1, 1913, and ending August

31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

#### State Pension Department.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Pension Commissioner.....	\$ 2,000 00	\$ 2,000 00
Salary of clerk.....	1,200 00	1,200 00
Salary of stenographer.....	1,200 00	1,200 00
Stationery, postage and contingent expenses.....	2,500 00	2,500 00
To pay veterans of Mexican war as provided by Article 6257 of the Revised Statutes of 1911.....	14,500 00	14,500 00
Totals .....	\$ 21,400 00	\$ 21,400 00

Provided, that all of the foregoing appropriations for the Pension Department are to be paid out of the revenues derived by the special ad valorem tax of five cents on the one hundred dollars of property levied by Chapter 441, Acts of the Regular Session of the Thirty-third Legislature. Any additional clerks or expenses for the Pension Department which may be necessary on account of the increase of expense of conducting the department not herein provided for may be allowed by the Governor upon proper application, sworn to, by the Pension Commissioner, such additional expenses to be paid out of the special ad valorem tax of five cents on the one hundred dollars of property levied by Chapter 141, Acts of the Regular Session of the Thirty-third Legislature. All the remainder derived from the collection of said tax of five cents on the one hundred dollars, after paying the expenses of the Pension Department, the expenses of support and maintenance of the Confederate Home and the Confederate Woman's Home, is hereby appropriated and may be applied to the payment of pensions to Confederate veterans as provided by law.

#### Attorney General's Department.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Attorney General.....	\$ 2,000 00	\$ 2,000 00
And the further sum each year, or so much thereof as may be necessary, to pay such fees as may be prescribed by law.....	2,000 00	2,000 00
Salary of first assistant.....	3,500 00	3,500 00
Salary of assistant, who shall assist the Attorney General in enforcing anti-trust laws.....	3,000 00	3,000 00
Salary of assistant having charge of railroad litigation.....	3,000 00	3,000 00
Salary of four additional assistants at \$2500 each year.....	10,000 00	10,000 00
Salary of recording clerk and bookkeeper, who shall also discharge the duties of stenographic clerk.....	1,600 00	1,600 00
Salaries of four stenographic clerks.....	4,800 00	4,800 00
Stationery, postage, telegraphing, telephoning, express and furniture .....	1,000 00	1,000 00
Law books and periodicals.....	1,000 00	1,000 00
Salary of porter, who shall discharge the duties of filing clerk .....	480 00	480 00
Actual traveling expenses incurred by Attorney General or any of his assistants in giving attention to the State's business pending elsewhere than in the courts of the city of Austin, vouchers to be made upon official certificates.....	1,000 00	1,000 00
Contingent expenses .....	100 00	100 00
Costs in civil cases in which the State of Texas or any head of department is a party.....	1,500 00	1,500 00
For the enforcement of the anti-trust laws, and laws concerning corporations, and all other laws, and procuring evidence and conducting and prosecuting suits		

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

by the Attorney General and special counsel to be employed under the direction of the Governor to be paid out on warrants issued by the Comptroller ordered by the Governor and Attorney General, to be expended in two years.....	\$ 5,000 00	\$ 5,000 00
For all expenses incident to the suit by the State of New Mexico against the State of Texas to establish the boundary line near El Paso, to be paid on warrants issued by the Comptroller on order by the Governor and Attorney General, to be expended in two years .....	10,000 00	
Totals .....	\$ 49,980 00	\$ 39,980 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for the items as stated herein, and no more, shall be paid out of the general revenue for the Attorney General's Department during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

Department of Education.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of State Superintendent.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	1,800 00	1,800 00
Salary of assistant to Superintendent.....	1,800 00	1,800 00
Salary of law and certificate clerk.....	1,350 00	1,350 00
Salary of statistical clerk.....	1,220 00	1,220 00
Salary of auditing and apportionment clerk.....	1,220 00	1,220 00
Salaries of two stenographic, filing and general clerks..	2,400 00	2,400 00
Salary of mailing and blank room clerk.....	1,000 00	1,000 00
Salaries of two clerks for three months—July, August and September—at \$100 per month each.....	600 00	600 00
Salary of porter.....	480 00	480 00
Actual traveling expenses of State Superintendent or his representative when on official duty.....	1,000 00	1,000 00
Postage, stationery, office furniture, files, binding reports and other books, forms and pamphlets.....	3,500 00	3,500 00
Express, freight, telegraphing and telephoning.....	2,000 00	2,000 00
Contingent expenses .....	100 00	100 00
Paper, printing and distributing county superintendents' record books, county and independent school district treasurers' report books, teachers' daily registers, school laws, examination questions, teachers' superintendents' and treasurers' blank reports, census blanks, courses of study, circulars to school officers and teachers, and other blank forms for the use of teacher and other school officers, or for the advancement of the cause of education.....	9,000 00	9,000 00
For continuing State aid to such high schools as have heretofore established departments of agriculture, manual training or domestic economy; provided, that the inspector from the State Department of Education after visiting said high schools finds further State aid advisable and necessary and recommends it; and for establishing, equipping and maintaining		

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

such departments in additional high schools in accordance with the provisions of Section 3, Chapter 26, General Laws, Regular Session, Thirty-second Legislature . . . . .	\$100.000 00	\$100,000 00
No child of scholastic age shall be denied admittance to any school in the community or district in which the child lives, or may be transferred to, and this appropriation shall not be available in any school district until the Superintendent of Public Instruction shall so advise each county school superintendent of each county in this State.		
For support of public free schools for two years all the available free school fund arising from the interest or lease of the school lands, interest on bonds, school taxes and all other sources of revenue to said fund.		
Total . . . . .	\$129,970 00	\$129,970 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of Education during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

Treasury Department.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Treasurer . . . . .	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk . . . . .	2,000 00	2,000 00
Salaries of three assistants . . . . .	4,500 00	4,500 00
Salary of stenographer and general assistant clerk . . . . .	1,200 00	1,200 00
Salary of night watchman . . . . .	800 00	800 00
Salary of porter . . . . .	480 00	480 00
Books, stationery, furniture and postage . . . . .	2,300 00	1,200 00
Keeping in repair time locks, combination, vaults and office furniture and files . . . . .	100 00	100 00
Contingent expenses . . . . .	300 00	300 00
To pay express charges and to pay the charges on post-office and express money orders upon money due the State as interest or principal due on bonds held by the State where the bonds are payable at any other point than Austin, Texas, and to pay express charges to place money in city of New York for the payment of interest on State bonds payable in said city, and to pay exchange to and from depositories . . . . .	50 00	50 00
To refund to purchasers and to lessees of public domain, public school, University or asylum lands, and to purchasers of timber, or their vendees or assignees, money which has been or which may be paid by them into the State Treasury, or to the Attorney General, if in any of the following instances: (a) Through error made in good faith, to be supported by the official signature of the State Treasurer or of the Attorney General, to whom such payment is made; (b) where the payment is made in accord-		



For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

ance with law, but title can not issue or possession can not pass because of conflict in boundaries, erroneous sale, erroneous leases, or other causes; (c) in case of sales of leased lands; (d) where lease money has been paid on previously forfeited sales, the same having been reinstated and all back interest paid; (e) where erroneous timber sales have been made; (f) where overpayments have been made in final payments to State Treasurer; (g) where a reduction has been made in acreage of timber sold or of lands sold or leased; (h) in case of sale of timber which has been previously cut and appropriated without such fact having been reported to the General Land Office prior to such sale; and to pay over to newly organized counties where school lands set apart to such county are under lease at the time of the organization of such county the previously paid but unearned portion of lease money on such lands; all refunds and payments herein provided for to be paid out of the respective funds to which such payments have been made or may be credited, and all claims for refund or payment except those embraced in subdivision (a) hereof to be certified by the certificate of the Commissioner of the General Land Office and also by the certificate of the State Treasurer or the Attorney General, as the case may be, as to the proper amount, and all such claims to be verified by the affidavit of the claimant and approved by the Attorney General as to the correctness of the claims and to whom due; provided, that the money so paid by any purchaser or lessee shall be refunded to the vendee or assignee of such purchaser or lessee in case of sale of land by the purchaser or assignment of the lease by the lessee after payment of such money, so that such refund to be paid to the person upon whom the loss falls in case of failure of title or right of possession. . . . \$ 30,000 00 \$ 30,000 00

Total . . . . . \$ 44,230 00 \$ 43,130 00

Provided, that the amounts herein appropriated for each item as herein stated, and no more, shall be paid out of the general revenue for the Treasury Department during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said department shall keep a record of the absence of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that such record be incorporated in the report made annually by the head of said department.

Provided further, that the appropriations made for the Treasury Department, as above set out, are subject to Chapter 31, of the Acts of the Thirtieth Legislature.

#### Comptroller's Department.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Comptroller . . . . .	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk . . . . .	2,000 00	2,000 00
Salary of chief bookkeeper . . . . .	1,800 00	1,800 00
Salary of assistant bookkeeper . . . . .	1,500 00	1,500 00
Salary of corresponding clerk . . . . .	1,200 00	1,200 00
Salary of assistant corresponding clerk . . . . .	1,200 00	1,200 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915. .

Salaries of two sheriffs' clerks, witnesses' and attorneys' accounts at \$1500 each.....	\$ 3,000 00	\$ 3,000 00
Salary of assistant sheriffs' clerk, witnesses' and attorneys' accountants .....	1,200 00	1,200 00
Salary of receiving clerk, who shall perform the duties of first assistant clerk to the Comptroller.....	1,350 00	1,350 00
Salary of clerk for registering county and city bonds..	1,500 00	1,500 00
Salary of general warrant clerk.....	1,500 00	1,500 00
Salary of assistant warrant clerk.....	1,200 00	1,200 00
Salary of school and special warrant clerk.....	1,500 00	1,500 00
Salary of bookkeeper in warrant department.....	1,500 00	1,500 00
Salary of chief tax clerk.....	1,500 00	1,500 00
Salary of assistant tax clerk.....	1,200 00	1,200 00
Salary of assistant special tax clerk.....	1,200 00	1,200 00
Salary of redemption clerk.....	1,500 00	1,500 00
Salaries of three assistant redemption clerks at \$1200 each .....	3,600 00	3,600 00
Salary of examining clerk.....	1,350 00	1,350 00
Salary of assistant examining clerk.....	1,200 00	1,200 00
Salary of auditing clerk.....	1,350 00	1,350 00
Salaries of two assistant auditing clerks, at \$1200 each	2,400 00	2,400 00
Salary of pension clerk.....	1,200 00	1,200 00
Salary of assistant pension clerk.....	1,200 00	1,200 00
Bookkeeper for pension department.....	1,500 00	1,500 00
Salary of one unorganized county tax clerk.....	1,200 00	1,200 00
Salary of deposit, warrant and general clerk.....	1,200 00	1,200 00
Salary of mailing and file clerk.....	1,200 00	1,200 00
Salary of assistant mailing and file clerk.....	1,200 00	1,200 00
Salary of general warrant and register clerk.....	1,200 00	1,200 00
Salary of cancellation and erroneous assessments clerk	1,200 00	1,200 00
Salary of stenographer, who shall perform such other duties as may be required by the Comptroller.....	1,200 00	1,200 00
Salary of clerk to assist the Comptroller in carrying out the provisions of the law regulating the sale of intoxicating liquors, and to perform such other duties as may be required of him.....	1,500 00	1,500 00
For enforcing the provisions of Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i, of Chapter 17 of the Acts of the First Called Session of the Thirty-first Legislature; also for enforcing the provisions of Chapters 67 and 75 of the General Laws of the Thirty-third Legislature passed at its Regular Session, convened on January 14, 1913, adjourned on April 1, 1913, and all other laws regulating the sale of intoxicating liquors. The Governor, Attorney General and Comptroller shall employ secret service men such as may be necessary, to be paid out of the appropriation herein made, whose duties shall be to ferret out all violations of the foregoing laws. Any two of the above named officials, to wit, the Governor, Attorney General and Comptroller, may act, but the secret service men shall be under the control of the Comptroller, \$25,000, or so much thereof as may be necessary, and same shall be spent in two years, beginning September 1, 1913, and ending August 31, 1915. Provided, \$10,000 of the said amount shall be for enforcing the provisions of Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i, of Chapter 17, of the Acts of the First Called Session of the Thirty-first Legislature, and the remainder for the purposes herein specified.....	25,000 00	

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of messenger and file clerk.....	\$ 900 00	\$ 900 00
Salary of two porters. \$480 each.....	960 00	960 00
Postage, telegraphing, express, office furniture and floor coverings .....	7,500 00	7,500 00
Books and stationery.....	1,500 00	1,500 00
Contingent expenses .....	250 00	250 00
Traveling expenses of Comptroller or his representatives, when necessary to check up tax collectors' accounts or official business.....	500 00	500 00
One electric adding machine.....	625 00	
One adding machine.....	375 00	
Letter addressing machine.....	500 00	
For file cases, redemption room.....	3,000 00	
For cleaning up basement under the Comptroller's Department, indexing records and filing same, to be expended in two years, or so much thereof as may be necessary .....	10,000 00	10,000 00
Totals .....	\$103,160 00	\$ 63,660 00

Provided, however, that there shall be collected, in addition to the fees already prescribed by the tax collectors of the State, the sum of fifty cents for each redemption certificate issued by him and to be approved by the Comptroller, which said fifty cents shall be remitted to the State Treasurer.

Provided, that the head of said department keep a record of absences of the various employes and the reason therefor, whether from sickness, vacation or on leave of absence, and that the record of such absence be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Comptroller's Department during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and providing further, that no deficiency shall be created, nor warrants issued nor obligations incurred in excess of the amounts herein appropriated.

Provided further, that the appropriations made for the Comptroller's Department, as above set out, are subject to Chapter 31, of the Acts of the Thirtieth Legislature.

#### General Land Office.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of legal examiner.....	1,500 00	1,500 00
Salary of receiver.....	1,350 00	1,350 00
Salary of Spanish translator.....	1,400 00	1,400 00
Salary of old title and deposition clerk.....	1,500 00	1,500 00
Salary of head transcript clerk.....	1,300 00	1,300 00
Salary of two assistant transcript clerks at \$1200 each .....	2,400 00	2,400 00
Salary of two patent clerks at \$1200 each.....	2,400 00	2,400 00
Salary of head transfer clerk.....	1,350 00	1,350 00
Salary of assistant transfer clerk.....	1,200 00	1,200 00
Salary of custodian of files and file room clerk.....	1,200 00	1,200 00
Salary of letter registry clerk.....	1,200 00	1,200 00
Salary of letter index clerk.....	1,200 00	1,200 00
Salary of compiling abstract clerk.....	1,400 00	1,400 00
Salaries of seven corresponding clerks at \$1200 each...	8,400 00	8,400 00
Salary of night watchman.....	600 00	600 00
Salary of janitor.....	750 00	750 00
Total .....	\$ 33,650 00	\$ 33,650 00
School Land Division—		
Salary of chief clerk.....	\$ 1,500 00	\$ 1,500 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of head sales clerk.....	\$ 1,350 00	\$ 1,350 00
Salary of award clerk.....	1,200 00	1,200 00
Total .....	\$ 4,050 00	\$ 4,050 00
Accounting Division—		
Salary of cashier.....	\$ 1,600 00	\$ 1,600 00
Salary of remittance listing clerk.....	1,300 00	1,300 00
Salary of four bookkeepers, at \$1500 each.....	6,000 00	6,000 00
Total .....	\$ 8,900 00	\$ 8,900 00
Drafting Division—		
Salary of chief draftsman.....	\$ 1,600 00	\$ 1,600 00
Salary of five compiling draftsmen, at \$1400 each.....	7,000 00	7,000 00
Salary of six assistant draftsmen, at \$1200 each.....	7,200 00	7,200 00
Total .....	\$ 15,800 00	\$ 15,800 00
Miscellaneous Items—		
Postage, stationery, books and express.....	\$ 4,000 00	\$ 4,000 00
Vellum, blue print paper and drafting supplies.....	1,250 00	1,250 00
Furniture, fixtures, repairs to same.....	150 00	150 00
Wood, water and ice.....	300 00	300 00
Telephone, telegraphing, towels and laundry of towels..	150 00	150 00
Contingent expenses .....	200 00	200 00
Traveling expenses of Commissioner or an employe under his direction.....	750 00	750 00
Total .....	\$ 6,800 00	\$ 6,800 00

Provided, that it shall be the duty of the Commissioner of the General Land Office to change any employe of his office to any desk or place when necessary to keep all employed.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the General Land Office during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, further, that the appropriations made for the General Land Office, as above set out, are subject to Chapter 31 of the Acts of the Thirtieth Legislature.

#### Railroad Commission.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salaries of three Commissioners.....	\$ 12,000 00	\$ 12,000 00
Salary of secretary.....	1,800 00	1,800 00
Salary of rate clerk.....	1,500 00	1,500 00
Salary of general clerk.....	1,200 00	1,200 00
Salary of one general clerk.....	1,200 00	1,200 00
Salary of one chief expert accountant.....	2,700 00	2,700 00
Salary of one assistant expert accountant.....	1,800 00	1,800 00
Salary of one expert rate clerk.....	2,700 00	2,700 00
Salary of one assistant expert rate clerk.....	2,500 00	2,500 00
Salary of civil engineer.....	3,000 00	3,000 00
Salary of porter.....	480 00	480 00
For contingent expenses, sheriffs' fees, transportation		

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

of clerks and Commissioners when necessary, furniture, fixtures and files, postage, stationery, books, telegraph, telephone and express charges, for printing blanks, maps, pamphlets, rulings, tariffs, and other necessary expenses.....	\$ 5,000 00	\$ 5,000 00
Total .....	\$ 35,880 00	\$ 35,880 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that said record be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Railroad Commission during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Department of Agriculture.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Commissioner.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	1,500 00	1,500 00
Salary of stenographer.....	1,200 00	1,200 00
Salary of porter.....	480 00	480 00
Furniture .....	100 00	100 00
Stationery, postage, express and telegraphing, or so much thereof as may be necessary.....	3,000 00	3,000 00
Telephone rent .....	48 00	48 00
Traveling expenses of Commissioner and chief clerk...	1,000 00	1,000 00
Collecting, compiling and disseminating agricultural information .....	20,000 00	20,000 00
Enforcing nursery and orchard inspection law, to be spent in two years.....	7,500 00	7,500 00
Contingent expenses .....	100 00	100 00
Conducting farmers' institute work.....	25,000 00	25,000 00
Poultry experiments in feeding and breeding, eradication of diseases and parasites; inspection and further advancing farm poultry interests.....	1,000 00	1,000 00
For collecting, tabulating and systematizing information in regard to the best methods and plans for marketing farm products, and for disseminating such information through bulletins, circular letters, press announcements, reports and other desirable mediums, and to be in co-operation with the Federal government and other approved public agencies, to be expended under the supervision of the Department of Agriculture and to be expended in two years.....	15,000 00	
Total .....	\$ 78,428 00	\$ 63,428 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of Agriculture during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

## Board of Water Engineers.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salaries of three members of Board at \$3600 each.....	\$ 10,800 00	\$ 10,800 00
Salary of secretary.....	2,000 00	2,000 00
Salary of stenographer.....	1,200 00	1,200 00
Furniture, stationery, supplies, etc.....	1,000 00	500 00
Traveling expenses of members and employes.....	5,000 00	5,000 00
Contingent expenses .....	1,000 00	1,000 00
Total .....	\$ 21,000 00	\$ 20,500 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Board of Water Engineers during the fiscal years beginning September 1, 1913, and ending August 31, 1915.

Provided further, that any additional field or office assistant or expenses which may be necessary because of the provisions of the act creating the Board of Water Engineers, not covered by the provisions herein specified, may be allowed by the Governor upon proper application sworn to by the Chairman of the Board of Water Engineers, such additional expenses to be paid out of the fees to be collected by the Board of Water Engineers under the provisions of said act; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

## State Levee and Drainage Board.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
For salary State Reclamation Engineer.....	\$ 3,600 00	\$ 3,600 00
For the purpose of carrying out the primary object of the work, as stated in said Chapter 145, General Laws of 1913, to wit: to make the necessary investigations, examinations, measurements, computations, estimates, surveys, maps, reports, and publications, and doing any other necessary work incident thereto which may be required in the process of designing, planning or marking out on the ground the most effective, practical, permanent, economical, feasible and equitable improvements or system of improvements, such as levees, dykes, dams, canals, drains, waterways, or reservoirs, or any or all of them, and other improvements incidental thereto; and for the employment of such assistants and the making of such purchases and such authorized other expenses as may be necessary to further carry out the provisions of said Chapter 145, General Laws of 1913; for the two fiscal years ending August 31, 1915....	44,800 00	
Total .....	\$ 48,400 00	\$ 3,600 00

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar create an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

## Appropriations for Various Departments.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Executive Office .....	\$ 26,416 00	\$ 24,816 00
Mansion and Grounds.....	13,650 00	1,650 00



	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Department of State.....	\$ 23,680 00	\$ 23,680 00
State Revenue Agent.....	4,900 00	4,700 00
Public Buildings and Grounds.....	77,400 00	50,900 00
Inspector of Masonry, Public Buildings and Works....	9,650 00	9,650 00
Department of Insurance and Banking.....	134,788 00	236,038 00
Texas Library and Historical Commission.....	17,828 00	16,078 00
State Tax Board.....	4,400 00	4,150 00
State Purchasing Agent.....	6,935 00	6,565 00
Public Printing .....	42,650 00	42,650 00
Bureau of Labor Statistics.....	10,310 00	10,200 00
Adjutant General's Department.....	88,280 00	64,680 00
Texas State Board of Health.....	70,200 00	58,200 00
Game, Fish and Oyster Commission.....	9,750 00	7,250 00
Live Stock Sanitary Commission.....	50,400 00	50,400 00
State Mining Board.....	7,250 00	4,900 00
Pure Food Commission.....	14,050 00	14,050 00
State Pension Department.....	21,400 00	21,400 00
Attorney General's Department.....	49,980 00	39,980 00
Department of Education.....	129,970 00	129,970 00
Treasury Department .....	14,230 00	13,130 00
Comptroller's Department .....	103,160 00	63,660 00
General Land Office.....	69,200 00	69,200 00
Railroad Commission .....	35,880 00	35,880 00
Department of Agriculture.....	78,428 00	63,428 00
Board of Water Engineers.....	21,000 00	20,500 00
State Levee and Drainage Board.....	48,400 00	3,600 00

## COMMITTEE REPORT.

Committee Room,  
Austin, Texas, August 8, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

House bill No. 2, A bill to be entitled "An Act making appropriations for the support of the State government for two years beginning September 1, 1913, and ending August 31, 1915, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State government for the year ending August 31, 1913, and to pay various miscellaneous claims against the State, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following committee amendments:

Strike out all after the enacting clause, and insert the following in lieu thereof:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the support of the State government from September 1, 1913, to August 31, 1915; provided, that each and every employe of each and every institution or department of this State shall be paid by voucher issued in his or her name; said voucher shall state the amount of salary or sum due, and for what service performed, with the date and time of said service, and no money or moneys shall be paid except upon presentation of said voucher or vouchers endorsed by the payee; provided further, that all of said vouchers upon which any money or moneys have been paid shall be filed with the Comptroller for the inspection of the Governor and the Legislature, or by their authority; and provided further, that the correct accounts shall be kept for all sums paid, or obligations outstanding against each item of appropriation herein, and weekly statements of the net balances to the credit of each account, after all payments made and obligations outstanding have been deducted, shall be forwarded to the State Comptroller, and it shall be unlawful for the State Purchasing Agent or the authority in charge of any institution or depart-

ment of this State to purchase or issue orders for any supplies or otherwise pledge the credit of this State beyond the amounts herein appropriated or otherwise lawfully authorized.

## Governor's Office.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Governor.....	\$ 4,000 00	\$ 4,000 00
Salary of private secretary.....	2,400 00	2,400 00
Salary of two stenographers at \$1200 each.....	2,400 00	2,400 00
Salary of porter.....	480 00	480 00
Payment of rewards, telegraphing, telephoning and other expenses necessary for the enforcement of the law .....	7,500 00	7,500 00
Traveling expenses of the Governor on official or semi-official business .....	1,000 00	1,000 00
Books and stationery.....	500 00	500 00
Freight and postage.....	500 00	500 00
Ice .....	36 00	36 00
To pay Lieutenant Governor for acting as Governor, to be used in two years.....	500 00	
Contingent expenses .....	100 00	100 00
Salaries of Board of Pardon Advisers.....	4,000 00	4,000 00
Contingent expenses .....	200 00	200 00
Total .....	\$ 23,616 00	\$ 23,116 00

"The Governor of Texas is hereby authorized to pay into the State Treasury any and all funds that may be in his possession due to the volunteers from Texas in the war between the United States and Spain. Any such fund so paid into the State Treasury by the Governor shall be placed to the credit of the volunteers from Texas in the war with Spain, and upon proper proof being submitted in accordance with law by any volunteer from Texas to whom any portion of said money is due, the Governor shall approve same, and any accounts thus approved shall be sufficient upon which the Comptroller shall issue his warrant upon the State Treasury for payment of same, out of any money in the Treasury to the credit of the volunteers from Texas."

## Mansion and Grounds.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
For Governor's Mansion and furniture, remodeling (steam heat, baths, etc.), including repairs and improvements to Mansion and grounds, and necessary labor for care of same (to be expended in two years). \$	12,000 00	
Labor and employes at Mansion.....	1,000 00	1,000 00
Fuel, lights, water, ice, groceries and incidentals.....	2,000 00	2,000 00
Total .....	\$ 15,000 00	\$ 3,000 00

Provided, that the amounts herein appropriated for each item, as stated herein, and no more, shall be paid out of the general revenue for the Executive Department during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; provided further, that no deficiency shall be created, nor shall any warrants be issued, nor any obligations incurred in excess of the amounts herein appropriated.

## Department of State.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Secretary of State.....	\$ 2,000 00	\$ 2,000 00
Salary of chief clerk.....	1,800 00	1,800 00
Salary of cashier and clerk, to be under \$10,000 bond..	1,500 00	1,500 00
Salary of bookkeeper, to be placed under \$5000 bond...	1,200 00	1,200 00
Salary of general clerk.....	1,350 00	1,350 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of assistant bookkeeper.....	\$ 1,200 00	\$ 1,200 00
Salary of executive clerk.....	1,350 00	1,350 00
Salaries of three stenographers and typewriters.....	3,600 00	3,600 00
Salary of porter.....	600 00	600 00
Salary of emergency clerks, to be employed only as needed at a salary not to exceed \$100 per month....	1,500 00	1,500 00
Postage, telegraphing, telephoning and contingent ex- penses .....	2,800 00	2,800 00
Books and stationery.....	1,500 00	1,500 00
Furniture, files and typewriters.....	600 00	600 00
For copying and proofreading Acts of Called Session, Thirty-third Legislature .....	200 00	
Salary of charter clerk.....	1,200 00	1,200 00
Total .....	\$ 23,200 00	\$ 23,000 00

Provided, that the head of said department keeps a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences shall be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of State during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

#### State Revenue Agent.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of State Revenue Agent.....	\$ 2,000 00	\$ 2,000 00
Salary of office assistant and clerk.....	1,200 00	1,200 00
Traveling and other expenses.....	1,000 00	1,000 00
Salary of two auditors.....	3,600 00	3,600 00
Stationery, stamps and telegraphing.....	300 00	300 00
Office furniture .....	200 00	
Traveling expenses, auditors.....		
Total .....	\$ 8,300 00	\$ 8,100 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Revenue Agent during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and providing further, that no deficiency shall be created nor shall any warrants be issued nor any obligations incurred in excess of the amounts herein appropriated.

#### Public Buildings and Grounds.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent.....	\$ 1,500 00	\$ 1,500 00
Salary of Superintendent for looking after State's property outside of Austin.....	500 00	500 00
Salary of clerk.....	1,200 00	1,200 00
Salary of engineer and electrician.....	1,200 00	1,200 00
Salary of assistant engineer and electrician.....	1,000 00	1,000 00
Salaries of seven watchmen, ex-Confederate soldiers and sailors to be given preference in employment.....	5,040 00	5,040 00
Salary of carpenter.....	1,000 00	1,000 00
Salaries of two firemen.....	1,440 00	1,440 00
Salaries of two elevator operators.....	960 00	960 00
Salary of painter.....	1,100 00	1,100 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of plasterer.....	\$ 800 00	\$ 800 00
Salaries of seven cleaners.....	3,780 00	3,780 00
Salary of teamster.....	600 00	600 00
Salary of W. P. Zuber, guide in charge of paintings..	480 00	480 00
Labor and material on Capitol grounds, keeping State cemetery, repairing State sewer and headstones for Confederate and Texas Veterans in State cemetery..	6,000 00	6,000 00
Water, light, fuel and contingencies and to purchase machinery .....	13,500 00	13,500 00
Oil, and waste for engines, dynamos and steam pumps, and drawing paper and stationery.....	500 00	500 00
Feed for teams.....	250 00	250 00
Tools and implements.....	200 00	200 00
Laying water mains and fire hydrants.....	4,000 00	
Improvements, maintenance and care of San Jacinto State Park, to be expended in two years.....		10,000 00
Salary of keeper of San Jacinto State Park.....	900 00	900 00
Feed for teams at San Jacinto Park.....	200 00	200 00
Pipes and fittings.....	400 00	400 00
Repairing and repainting Capitol and furniture in House and Senate.....	1,500 00	1,500 00
Payment of salary of keeper of San Jacinto State Park for the year ending August 31, 1913.....	900 00	
Total .....	\$ 48,950 00	\$ 54,050 00

Provided, that the head of this department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department; and provided further, that the Superintendent shall keep an itemized account of the expenses of the department and incorporate the same in his annual report.

Provided further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for Public Buildings and Grounds during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations incurred in excess of the amounts herein appropriated.

#### Department of Insurance and Banking.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner.....	\$ 4,000 00	\$ 4,000 00
Salary of Commissioner as ex-officio Superintendent of Banking .....	500 00	500 00
Salary of Commissioner as member of State Insurance Commission .....	500 00	500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of actuary.....	2,500 00	2,500 00
Salary of actuary's clerk.....	1,500 00	1,500 00
Salary of bank clerk.....	1,800 00	1,800 00
Salaries of three assistant bank clerks.....	3,600 00	3,600 00
Salary of stenographer.....	1,200 00	1,200 00
Salary of certificate clerk.....	1,200 00	1,200 00
Salary of bookkeeper and general clerk.....	1,500 00	1,500 00
Salary of general clerk and stenographer.....	1,200 00	1,200 00
Salary of statistical clerk.....	1,200 00	1,200 00
Salary of stenographer, Banking Department.....	1,200 00	1,200 00
Salary of porter and file clerk. ....	480 00	480 00
Expenses of Commissioner in enforcing the insurance and banking laws.....	2,000 00	2,000 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Postage, stationery, telegraph, express and long distance phone calls.....	\$ 4,000 00	\$ 4,000 00
Rent of telephones.....	60 00	60 00
Binding annual statements of insurance companies....	50 00	50 00
Ice .....	36 00	36 00
Contingent expenses .....	250 00	250 00
Publishing insurance laws, to be expended in two years.		500 00
Office furniture, including typewriters, calculating machines and necessary repairs.....	1,000 00	500 00
Salaries of seventeen bank examiners, at \$2000 each...	34,000 00	34,000 00
Traveling expenses of seventeen bank examiners and of the Commissioner in connection with bank matters.	31,875 00	31,875 00
Salaries of three additional bank examiners first year, and five second year, if necessary to be appointed; provided, the Commissioner of Insurance and Banking is authorized to appoint necessary bank examiners, not to exceed one for every forty banks organized and operating under the laws of this State.....	6,000 00	10,000 00
Traveling expenses of additional bank examiners, if appointed, or so much thereof as may be necessary....	5,625 00	9,375 00
Total .....	\$109,276 00	\$117,026 00

#### State Insurance Commission.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salaries of two members of State Insurance Commission to be appointed by the Governor, at \$2500 each.....	\$ 5,000 00	\$ 5,000 00
Compensation of experts, clerical force and other persons employed by the State Insurance Commission, and all necessary traveling expenses, and such other expenses as may be necessary in carrying out the provisions of the act creating said State Insurance Commission .....	119,500 00	94,500 00
Total .....	\$124,500 00	\$ 99,500 00

#### Workman's Compensation Act.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of chairman of Industrial Accident Board to be appointed by the Governor.....	\$ 3,000 00	\$ 3,000 00
Salary of two members of Industrial Accident Board to be appointed by the Governor, \$2500 each.....	5,000 00	5,000 00
Salary of secretary of Industrial Accident Board.....	1,500 00	1,500 00
For clerical services, traveling expenses, office furniture and equipment, postage, telegraph, telephone, typewriters, express and such other expenses as may be necessary in carrying out the act creating said Industrial Accident Board.....	2,500 00	2,000 00
Expenses which may be incurred by the board of directors of the Texas Employers' Insurance Association under the provisions of Section 23, Part III, Chapter 179, Acts Thirty-third Legislature.....	2,000 00	2,000 00
Total .....	\$ 14,000 00	\$ 13,500 00

Provided, that all money collected by the authority of law from insurance companies and State bank and trust companies be paid into the State Treasury.

Provided, that the head of said department keep a record of the absences of

the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of Insurance and Banking during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor warrants issued or obligations incurred in excess of the amounts herein appropriated.

Texas Library and Historical Commission.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of State Librarian.....	\$ 2,000 00	\$ 2,000 00
Salary of cataloguer and assistant librarian.....	1,200 00	1,200 00
Salary of archivist.....	1,200 00	1,200 00
Salary of general assistant.....	720 00	720 00
Books for State Library.....	1,000 00	1,000 00
Gathering historical data.....	750 00	750 00
Subscription to newspapers and periodicals.....	250 00	250 00
Binding and repairs.....	400 00	400 00

Legislative Reference Division.

Salary of legislative reference librarian, stenographer and conducting the legislative reference division.....	5,000 00	5,000 00
Miscellaneous Items—		
Stationery, library supplies, postage, express, freight..	500 00	500 00
Preparing for press, printing and binding two volumes of archives to be spent in two years.....	2,000 00	
Traveling expenses of State Librarian and the commissioners .....	200 00	200 00
Shelving for books and newspapers, office and reading room furniture, electrical wiring, etc.....	2,000 00	2,000 00
Telephone rent .....	48 00	48 00
Contingent expenses .....	200 00	200 00
Total .....	\$ 17,468 00	\$ 15,568 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

State Tax Board.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Tax Commissioner.....	\$ 2,500 00	\$ 2,500 00
Salary of stenographer and accountant.....	1,200 00	1,200 00
Furniture .....	100 00	
Typewriter .....	100 00	
Postage, express, telegraph and telephone.....	300 00	300 00
Books and stationery.....	100 00	50 00
Porter hire .....	72 00	72 00
Contingent expenses .....	100 00	100 00
Total .....	\$ 4,472 00	\$ 4,222 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absence shall be incorporated in the report made annually by the head of said department.



Provided further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Tax Board during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

#### State Purchasing Agent.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of State Purchasing Agent.....	\$ 2,000 00	\$ 2,000 00
Salary of chief clerk.....	1,500 00	1,500 00
Salary of assistant clerk.....	1,200 00	1,200 00
Salary of porter.....	480 00	480 00
Extra help preparing for and making awards.....	150 00	150 00
One electric adding machine.....	325 00	
One typewriter .....		85 00
Furniture .....	100 00	
Contingent and traveling expenses.....	850 00	850 00
Total .....	\$ 6,605 00	\$ 6,265 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department; provided, that the amounts herein appropriated for each item as stated herein, and no more shall be paid out of the general revenue for the State Purchasing Agent during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account, nor shall any warrants be issued nor any obligations incurred in excess of the amounts herein appropriated.

Provided further, that the State Purchasing Agent shall advise the Financial Agent of the State Penitentiary when any department or State institution desires or needs any furniture or machinery, or anything else that is or may be manufactured at the State penitentiary, of the time set for receiving bids for said articles. Said notification shall be made by means of sending a duplicate notice of any public advertisement calling for bids by registered mail, to the Financial Agent of the Penitentiary at Huntsville.

#### Public Printing.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Expert Printer and Secretary of Printing Board .....	\$ 1,800 00	\$ 1,800 00
First, second and third class printing and binding, and for printing papers of first, second and third class public printing .....	30,000 00	30,000 00
For printing and binding Texas Reports. Texas Civil Appeals Reports and Texas Criminal Reports.....	5,000 00	5,000 00
For advertising State business.....	500 00	500 00
Telephone rent, postage, stationery and files, furniture and contingent expenses.....	150 00	150 00
Total .....	\$ 37,450 00	\$ 37,450 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for Public Printing during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

## Bureau of Labor Statistics.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner.....	\$ 2,000 00	\$ 2,000 00
Salary of two factory inspectors.....	3,000 00	3,000 00
Salary of one safety appliance inspector.....	1,500 00	1,500 00
Salary of one statistician and stenographer.....	1,500 00	1,500 00
Traveling expenses for the Department.....	5,100 00	5,100 00
Postage and stationery.....	300 00	300 00
One typewriter, one book case.....	110 00	
Contingent expenses, telegraphing, telephone, ice and janitor .....	212 00	212 00
Total .....	\$ 13,722 00	\$ 13,612 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of general revenue for the Bureau of Labor Statistics during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor shall any obligations be incurred in excess of the amounts herein appropriated.

## State Inspector of Masonry, Public Buildings and Works.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Inspector, \$2000 for each year. Salary of two assistants, \$1800 per year each or at such equivalent monthly rate when so employed.....	\$ 5,600 00	\$ 5,600 00
Stationery, postage and box rent.....	75 00	75 00
Office furniture, plan reading, tables, shelving cases for blue prints, record files for operation and materials on works for two years.....	300 00	300 00
Contingent office expenses, including telephone, water and ice .....	100 00	100 00
Material tests and analysis, long distance telephone, telegraphing, express and freight charges, incidentals pertaining to the supervision of State buildings and traveling expenses for two assistants and the Inspector .....	3,575 00	3,560 00
Total .....	\$ 9,650 00	\$ 9,635 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Inspector of Masonry, Public Buildings and Works during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued nor shall any obligations be incurred in excess of the amounts herein appropriated.

## Adjutant General's Department.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Adjutant General.....	\$ 2,000 00	\$ 2,000 00
Salary of Assistant Adjutant General.....	1,500 00	1,500 00
Salary of Assistant Quartermaster General.....	1,500 00	1,500 00
Salary of stenographer.....	1,200 00	1,200 00
Salary of porter, messenger and armorer.....	480 00	480 00
Stationery, postage, telegraphing and telephone.....	1,000 00	1,000 00
Ranger force, suppression of lawlessness and crime....	20,000 00	20,000 00
For pay transportation and subsistence of the Texas		

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

National Guard when called into actual service under the law, and for such other military expenses incident thereto .....	\$ 5,000 00	\$ 5,000 00
For labor in arsenal and store room, repair of arms and equipment, laundry and repair of uniforms in store room, transportation military stores and supplies, transportation and expenses of officers, serving in military courts and boards and transportation and expenses of witnesses appearing before military courts and boards .....	5,000 00	5,000 00
For transportation and subsistence of the Texas National Guard for camps of instruction and all other military expenses .....	10,000 00	10,000 00
Office files, furniture and floor covering.....	400 00	100 00
Rent and maintenance of armories and purchase of armory equipment .....	20,000 00	20,000 00
For erecting store house at Camp Mabry.....	20,000 00	
For purchase of land at Camp Mabry.....	3,412 00	
Total .....	\$ 91,492 00	\$ 67,780 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Adjutant General's Department during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

#### Texas State Board of Health.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of President.....	\$ 2,500 00	\$ 2,500 00
Salary of Board and mileage.....	1,000 00	1,000 00
Salary of Register of Vital Statistics.....	1,800 00	1,800 00
Salary of Assistant State Health Officer and Bacteriologist .....	1,800 00	1,800 00
Salary of stenographer and bookkeeper.....	1,200 00	1,200 00
Salary of filing and index and general clerk.....	900 00	900 00
Salary of porter.....	480 00	480 00
Salary of quarantine officer at Galveston when actually engaged in service at \$200 per month.....	2,400 00	2,400 00
Salary of assistant quarantine officer at Galveston, at \$125 per month when actually engaged in service....	1,500 00	1,500 00
Salary of engineer on launch at Galveston, at \$75 per month .....	900 00	900 00
Salary of disinfecter at Galveston.....	900 00	900 00
Salary of two assistant disinfectors at Galveston, at \$720 each .....	1,440 00	1,440 00
Salary of captain on disinfecting vessel at Galveston..	1,200 00	1,200 00
Salary of engineer on disinfecting vessel at Galveston	1,200 00	1,200 00
Salaries of two deck hands on disinfecting vessel at Galveston .....	1,440 00	1,440 00
Salary of quarantine officer at Sabine Pass, when actually engaged in service, at \$150 per month.....	1,800 00	1,800 00
Salary of one disinfecter at Sabine Pass.....	720 00	720 00
Salary of one boatman at Sabine Pass.....	600 00	600 00
Salary of engineer at disinfecting plant at Sabine Pass	900 00	900 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of quarantine inspector at Brownsville, when actually engaged in service at \$75 per month for 12 months . . . . .	\$ 900 00	\$ 900 00
Salary of quarantine officer at Aransas Pass, when actually engaged in service at \$150 per month . . . . .	1,800 00	1,800 00
Salary of boatman at Aransas Pass, when actually engaged in service . . . . .	600 00	600 00
Salary of engineer at Aransas Pass . . . . .	900 00	900 00
Salary of quarantine officer at Velasco, when actually engaged in service, at \$100 per month . . . . .	1,200 00	1,200 00
Salary of quarantine officer at Pass Cavallo, when actually engaged in service, at \$25 per month for 12 months . . . . .	300 00	300 00
Salary of boatman at Pass Cavallo, when actually engaged in service, at \$10 per month for 12 months . . . . .	120 00	120 00
Salary of quarantine officer at El Paso, when actually engaged in service, at \$75 per month for 12 months . . . . .	900 00	900 00
Salary of quarantine officer at Laredo, when actually engaged in service, at \$75 per month for 12 months . . . . .	900 00	900 00
Salary of quarantine inspector at Eagle Pass, when actually engaged in service, at \$75 per month for 12 months . . . . .	900 00	900 00
Traveling expenses and office expenses, including telegraphing and telephoning and maintenance of permanent quarantine station, except for salaries at Galveston, Sabine Pass, Velasco, Pass Cavallo, Brownsville, Laredo, Eagle Pass and El Paso, for guarding State line at other places against infectious diseases as may become necessary from time to time, and for necessary repairs to State property for each year; also for necessary expenses and supplies for hookworm department and State laboratory for each year. . . . .	15,000 00	15,000 00
For purchase of boat for Sabine Pass . . . . .	6,000 00	
For purchase of boat for Aransas Pass . . . . .	6,000 00	
Total . . . . .	\$ 60,200 00	\$ 48,200 00

Provided, that the President of said Board may abolish such positions as are herein set forth, if in his judgment the same are not necessary for the protection of the public health, or he may require the quarantine officers to perform such other work in his department as he may think for the interest of the public health.

Provided, that all quarantine and other fees collected and all fees heretofore collected and not otherwise disposed of by law shall be paid into the State Treasury to the credit of the general revenue fund.

Provided, that the President of said Board shall submit to the Governor at the end of each three months an itemized report, showing the manner in which said funds are expended; and said itemized report shall, after approval, be filed with the Comptroller for public inspection.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record shall be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Texas State Board of Health during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

## Game, Fish and Oyster Commission.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner.....	\$ 1,800 00	\$ 1,800 00
Salary of clerk and stenographer.....	1,200 00	1,200 00
For assistant to enforce game laws.....	1,200 00	1,200 00
For second assistant to enforce game laws.....	1,200 00	1,200 00
For third assistant to enforce game laws.....	1,200 00	1,200 00
Purchasing and repairing boats to be used in two years.	2,500 00	

Total .....\$ 9,100 00 \$ 6,600 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Game, Fish and Oyster Commission during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the salary of the Chief Deputy Game, Fish and Oyster Commissioner, Deputy Fish and Oyster Commissioners and Deputy Game Commissioners, and all necessary expenses of the department, including means of transportation for the Commissioner and deputies and their traveling expenses in the enforcement of the laws, furniture for office at Austin, stationery, printing, one adding machine, stamps, etc., be paid out of the fish and oyster and the game funds, on designation and approval of the Commissioner.

Provided, the Commissioner may expend not to exceed \$1000 of such funds each year in procuring a museum collection of fish, oysters, animals and birds and their skins and eggs for scientific purposes.

## Live Stock Sanitary Commission.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Chairman.....	\$ 3,000 00	\$ 3,000 00
Expense, Commissioners .....	1,000 00	1,000 00
Salary of chief inspector.....	1,500 00	1,500 00
Expenses of chief inspector.....	600 00	600 00
Salaries of thirty inspectors.....	30,000 00	30,000 00
Expense account of inspectors engaged in tick or scab eradication work, approximating \$30 per month.....	9,000 00	9,000 00
Emergency fund for extra help.....	3,500 00	3,500 00
Expense of stationery inspectors, approximating five, \$10 per month.....	600 00	600 00
Salary of State Veterinarian.....	1,800 00	1,800 00
Expense account State Veterinarian.....	700 00	700 00
Salary of stenographer and bookkeeper.....	1,200 00	1,200 00
Office rent, stationery, stamps, telegrams and telephone bills and other necessary office expenses.....	1,000 00	1,000 00
Spray pumps and medicine furnished inspectors engaged in tick and scab eradication work.....	600 00	600 00

Total .....\$ 54,500 00 \$ 54,500 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Live Stock Sanitary Commission during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

## State Mining Board.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Per Diem expense of Board.....	\$ 600 00	\$ 600 00
Traveling expenses of Board.....	1,000 00	1,000 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Maintaining and equipping an office for the use of the State Mining Board and State Mine Inspector.....	\$ 900 00	\$ 300 00
Salary of State Mine Inspector.....	2,000 00	2,000 00
Traveling expenses of State Mine Inspector.....	1,000 00	1,000 00
For the purchase of oxygen helmet apparatus and pulmotor reviving apparatus for instruction and mine rescue work and for the expense of maintenance ...	2,000 00	
Total .....	\$ 7,500 00	\$ 4,900 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Mining Board during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

#### Board of Water Engineers.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salaries of three members of the Board at \$3600 each..	\$ 10,800 00	\$ 10,800 00
Salary of secretary and stenographer.....	1,200 00	1,200 00
Furniture, stationery, supplies, etc., to be paid on order of Governor .....	500 00	500 00
Traveling expenses of members and employes.....	1,200 00	1,200 00
Contingent expenses .....	200 00	200 00
Total .....	\$ 13,900 00	\$ 13,900 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Board of Water Engineers during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

#### Pure Food Commission.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Commissioner.....	\$ 2,000 00	\$ 2,000 00
Salary of assistant chemist.....	1,500 00	1,500 00
Salary of assistant chemist.....	1,500 00	1,500 00
Salary of inspector.....	1,200 00	1,200 00
Salary of veterinary surgeon.....	1,200 00	1,200 00
Salary of stenographer.....	900 00	900 00
Office and laboratory supplies.....	900 00	900 00
Stamps, stationery, etc.....	300 00	300 00
Traveling and other expenses.....	4,000 00	4,000 00
Total .....	\$ 13,500 00	\$ 13,500 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Pure Food Commission during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

#### State Pension Department.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Pension Commissioner.....	\$ 2,000 00	\$ 2,000 00
Salary of clerk.....	1,200 00	1,200 00



	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of stenographer.....	\$ 900 00	\$ 900 00
Stationery, postage and contingent expenses.....	550 00	550 00
Typewriter . . . . .	100 00	100 00
Total . . . . .	\$ 4,750 00	\$ 4,750 00

Provided, that all of the foregoing appropriations for the Pension Department are to be paid out of the revenues derived by the special ad valorem tax of five cents on the one hundred dollars of property levied by Chapter 141, Acts of the Regular Session of the Thirty-third Legislature. Any additional clerks or expenses for the Pension Department which may be necessary on account of the increase of the expense of conducting the department not herein provided for may be allowed by the Governor upon proper application, sworn to, by the Pension Commissioner, such additional expense to be paid out of the special ad valorem tax of five cents on the one hundred dollars of the property levied by Chapter 141, Acts of the Regular Session of the Thirty-third Legislature.

All the net revenue accruing during the period beginning September 1, 1913, and August 31, 1914, from the levy of the special ad valorem tax of five cents on the one hundred dollars of property levied by the provisions of Chapter 141, Acts of the Regular Session of the Thirty-third Legislature, is hereby appropriated for the payment of pensions under the provisions of said Chapter 141 of said Regular Session of the Thirty-third Legislature.

All the remainder derived from the collection of said tax of five cents on the one hundred dollars, after paying the expenses of the Pension Department, the expense of support and maintenance of the Confederate Home and the Confederate Woman's Home, is hereby appropriated and may be applied to the payment of pensions to the Confederate veterans as provided by law.

#### Texas Agricultural Experiment Stations.

(Provided for in A. and M. College bill.)

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915
Sub-Stations.		
For maintaining eleven sub-stations, including Nacogdoches. at \$7500 each.....	\$ 82,500 00	\$ 82,500 00

#### Attorney General's Department.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915
Salary of Attorney General.....	\$ 2,000 00	\$ 2,000 00
And the further sum, or so much thereof as may be prescribed by law and collected by said department....	2,000 00	2,000 00
Salary of first assistant, who shall act as Attorney General in the absence of the Attorney General.....	3,000 00	3,000 00
Salary of the assistant to the Attorney General, who is charged with all matters arising under the anti-trust laws of the State, and to perform such other duties as may be designated by the Attorney General.....	2,750 00	2,750 00
Salary of the assistant who has charge of all matters pertaining to the enforcement of railroad laws for the State, and who represents all matters coming from the Railroad Commission, and to perform such other duties as may be assigned by the Attorney General..	2,750 00	2,750 00
Salary of four other assistants, who shall perform such duties as may be assigned by the Attorney General..	11,000 00	11,000 00
Salary of chief clerk and bookkeeper.....	1,800 00	1,800 00
Salaries of three stenographers; and also for an additional stenographer, if one more should be necessary, not exceeding \$100 per annum.....	4,800 00	4,800 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of porter.....	\$ 480 00	\$ 480 00
Furniture, typewriters, furnishing postage, telephone service, telegraph service and fixtures for office.....	1,000 00	1,000 00
For law books and periodicals.....	1,000 00	500 00
Actual traveling expenses incurred by the Attorney General and any of his assistants or representatives, in giving attention to the State's business pending elsewhere than in the courts of the city of Austin.....	1,000 00	1,000 00
Costs in civil cases in which the State of Texas, or any department is a party, in which it is the duty of the Attorney General to represent the interest of the State, including costs of depositions, and securing evidence and documents, and generally to prepare such cause for trial, and to prosecute necessary appeals, where such expense cannot be paid out of the appropriations for the particular department involved.	1,500 00	1,500 00
For the enforcement of the anti-trust and corporations, and other laws, procuring evidence and conducting and prosecuting suits by the Attorney General or under his directions, or by special counsel to be employed by him when necessary.....	5,000 00	5,000 00
If, in the judgment of the Attorney General, it becomes necessary for the prompt and efficient discharge of the duties incumbent upon his department, that he procure the services of an assistant bank examiner, and of a special agent or examiner to make examinations of the books and records of the corporations, and to investigate the facts with reference to cases, or matters under investigation, and to perform other duties as the Attorney General may assign, he shall certify such fact to the Governor, and if the same meets with the approval of the Governor, the Attorney General be, and is hereby authorized to employ such special agent or examiner at a salary not to exceed \$200 per month, provided, if there remains unexpended at the end of the first fiscal year any sum appropriated for any of the purposes mentioned above, the same, if necessary for the efficient conduct of the business of the Attorney General's Department, may be expended during the fiscal year ending August 31, 1915.....	4,800 00	4,800 00
For the necessary expenses in defending cause original No. 13. The State of New Mexico vs. The State of Texas, pending in the Supreme Court of the United States, involving the boundary between the State of New Mexico and the State of Texas, including cost of investigation, necessary surveying, collecting of data, taking depositions, the expenses of special commissioner appointed to take the evidence, traveling expenses of the Attorney General, or either of his assistants, in giving necessary attention to such case, and such other incidental or necessary expenses for the proper preparation, defense of and attention to said cause, the sum of ten thousand (\$10,000) dollars, or so much thereof as may be necessary; and in the event said sum should prove insufficient for the accomplishment of the purposes for which this appropriation is designed, a deficiency for an additional amount not exceeding five thousand (\$5000) dollars be, and the same is hereby authorized.....	15,000 00	15,000 00
Total .....	\$ 59,880 00	\$ 59,380 00

## Department of Education.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of State Superintendent.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of assistant to Superintendent.....	1,800 00	1,800 00
Salary of law and certificate clerk.....	1,350 00	1,350 00
Salary of statistical clerk.....	1,220 00	1,220 00
Salary of auditing and apportionment clerk.....	1,220 00	1,220 00
Salaries of two stenographic, filing and general clerks.....	2,400 00	2,400 00
Salary of mailing and blank room clerk.....	1,000 00	1,000 00
Salaries of two clerks for three months—July, August and September, at \$100 per month.....	600 00	600 00
Salary of porter.....	480 00	480 00
Actual traveling expenses of State Superintendent or his representative when on official duty.....	1,000 00	1,000 00
Postage, stationery, office furniture, files, binding reports and other books, forms and pamphlets.....	3,500 00	3,500 00
Express, freight, telegraphing and telephoning.....	2,000 00	2,000 00
Contingent expenses .....	100 00	100 00
Paper, printing and distributing county superintendents' record books, county and independent school district treasurers' report books, teachers' daily questions, teachers, superintendents' and treasurers' blank reports, census blanks, course of study, circulars to school officers and teachers and other blank forms for use of teachers and other school officers, or for the advancement of the cause of education.....	9,000 00	9,000 00
For continuing State aid in such high schools as have heretofore established departments of agriculture, manual training or domestic economy; provided, that the inspector from the State Department of Education after visiting said high schools finds further State aid advisable, and necessary and recommends it; and for establishing, equipping and maintaining such departments in additional high schools in accordance with the provisions of Section 3, Chapter 26, the General Laws, Regular Session, Thirty-second Legislature .....	100,000 00	100,000 00
For support of public free schools for two years, all the available free school fund arising from the interest or lease of school lands, interest on bonds, school taxes and all other sources of revenue to said fund.		
Total .....	\$130,170 00	\$130,170 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of Education during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

## State Treasury Department.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of State Treasurer.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salaries of three assistant clerks.....	4,500 00	4,500 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of stenographer and general assistant clerk....	\$ 1,200 00	\$ 1,200 00
Salary of night watchman.....	800 00	800 00
Salary of porter.....	480 00	480 00
Books, stationery, furniture and postage.....	2,300 00	1,200 00
Keeping in repair time locks, combinations, vaults, furniture and files.....	100 00	100 00
Contingent expenses .....	300 00	300 00
To pay express charges, etc.....	50 00	50 00
Total .....	\$ 14,230 00	\$ 13,130 00

To refund to purchasers and lessees of public domain,  
public schools, University or asylum lands, etc.....\$ 25,000 00 \$ 25,000 00

To refund to purchasers and to lessees of public domain, public school, university or asylum lands, and to purchasers of timber, or their vendees or assignees, money which has been or which may be paid by them into the State Treasury or to the Attorney General, if in any of the following instances:

(a) Through error made in good faith, to be supported by the official signature of the State Treasurer or of the Attorney General, to whom such payment is made.

(b) Where the payment is made in accordance with the law, but title can not issue or possession can not pass because of conflict in boundaries, erroneous sale, erroneous leases or other causes.

(c) In cases of sales of leased lands.

(d) Where lease money has been paid on previously forfeited sales, the same having been reinstated and all back interest paid.

(e) Where erroneous timber sales have been made.

(f) Where overpayments have been made in final payments to the State Treasurer.

(g) Where a reduction has been made in acreage of timber sold or of lands sold or leased.

(h) In cases of sale of timber which has been previously cut and appropriated without such fact having been reported to the General Land Office prior to such sale; and to pay over to newly organized counties where school lands set apart to such county are under lease at the time of the organization of such county, the previously paid but unearned portion of lease money on such lands: all refunds and payments herein provided for to be paid out of the respective funds to which such payments have been made or may be credited, and all claims for refund or payment, except those embraced in subdivision (a) hereof, to be certified by the certificate of the Commissioner of the General Land Office and also by the certificate of the State Treasurer or the Attorney General, as the case may be, as to the proper amount, and all such claims to be verified by the affidavit of the claimant and approved by the Attorney General as to the correctness of the claims and to whom due; provided, that the money so paid by any purchaser or lessee shall be refunded to the vendee or assignee of such purchaser or lessee in case of sale of land by the purchaser, or assignment of the lease by the lessee after payment of such money, so that such refund to be paid to the person upon whom the loss falls in case of failure of title or right of possession, twenty-five thousand dollars each year.

Provided, that the amount herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Treasury Department during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said department shall keep a record of the absences of the various employes of said department and the reasons therefor, whether from sickness, vacation or on leave of absence, and that such record be incorporated in the report made annually by the head of said department.

## Comptroller's Department.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Comptroller.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of chief bookkeeper.....	1,800 00	1,800 00
Salary of assistant bookkeeper.....	1,500 00	1,500 00
Salaries of two corresponding clerks, each.....	1,200 00	1,200 00
Salary of one license permit clerk.....	1,500 00	1,500 00
Salaries of two sheriffs' clerks, witnesses' and attorneys' accountants .....	3,000 00	3,000 00
Salary of assistant sheriffs', clerks', witnesses' and attorneys' accountant .....	1,200 00	1,200 00
Salary of receiving clerk, who shall perform the duties of first assistant clerk to the Comptroller.....	1,350 00	1,350 00
Salary of clerk for registering county and city bonds..	1,400 00	1,400 00
Salary of general warrant clerk.....	1,500 00	1,500 00
Salary of assistant warrant clerk.....	1,200 00	1,200 00
Salary of school and special warrant clerk.....	1,300 00	1,300 00
Salary of bookkeeper in warrant department.....	1,500 00	1,500 00
Salary of chief tax clerk.....	1,350 00	1,350 00
Salary of assistant tax clerk.....	1,200 00	1,200 00
Salary of assistant special tax clerk.....	1,200 00	1,200 00
Salary of redemption clerk.....	1,500 00	1,500 00
Salaries of three assistant redemption clerks.....	3,600 00	3,600 00
Salary of examining clerk.....	1,350 00	1,350 00
Salary of assistant examining clerk.....	1,200 00	1,200 00
Salary of auditing clerk.....	1,500 00	1,500 00
Salaries of two assistant auditing clerks.....	2,400 00	2,400 00
Enforcement of liquor laws.....	5,000 00	5,000 00
Cleaning basement, indexing, records, and books, purchasing and delivery file cases, etc.....	2,500 00	2,500 00
Two adding machines.....	1,000 00	
Letter addressing machine.....	500 00	
Unorganized county tax clerk.....	1,200 00	1,200 00
Steel filing cases for Redemption Department.....	3,000 00	
Salary of pension clerk.....	1,500 00	1,500 00
Salaries of two assistant pension clerks.....	2,400 00	2,400 00
Salary of deposit warrant and register clerk.....	1,200 00	1,200 00
Salary of general warrant and register clerk.....	1,200 00	1,200 00
Salary of cancellation erroneous assessments clerk....	1,200 00	1,200 00
Salary of stenographer, who shall perform such other duties as may be required by the Comptroller.....	1,200 00	1,200 00
Salary of messenger and file clerk.....	900 00	900 00
Salaries of two porters.....	960 00	960 00
Postage, telegraphing, express, office furniture and floor coverings .....	7,500 00	7,500 00
Books and stationery.....	1,500 00	1,500 00
Traveling expenses of Comptroller or his representative, when necessary to check up tax collector's accounts, or official business.....	500 00	500 00
Contingent expenses .....	200 00	200 00
Total .....	\$ 71,710 00	\$ 67,210 00

Provided, that the head of said department shall keep a record of the absences of the various employes of said department and the reasons therefor, whether from sickness, vacation or on leave of absence, and that such record be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Comptroller's Department during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another

account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

#### General Land Office.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of legal examiner.....	1,500 00	1,500 00
Salary of receiver.....	1,500 00	1,500 00
Salary of title and deposition clerk.....	1,400 00	1,400 00
Salary of head transcript clerk.....	1,300 00	1,300 00
Salaries of two assistant transcript clerks.....	2,400 00	2,400 00
Salary of two patent clerks.....	2,400 00	2,400 00
Salary of head transfer clerk.....	1,400 00	1,400 00
Salary of custodian of files and file room clerk.....	1,200 00	1,200 00
Salary of letter registry clerk.....	1,200 00	1,200 00
Salary of letter index clerk.....	1,200 00	1,200 00
Salary of compiling abstract clerk.....	1,400 00	1,400 00
Salaries of seven corresponding clerks at \$1200 each...	8,400 00	8,400 00
Salary of night watchman.....	600 00	600 00
Salary of janitor.....	750 00	750 00
Spanish translator .....	1,400 00	1,400 00

#### School Land Division.

Salary of chief clerk.....	1,500 00	1,500 00
Salary of head sales clerk.....	1,350 00	1,350 00
Salary of award clerk.....	1,200 00	1,200 00

#### Accounting Division.

Salary of cashier.....	1,600 00	1,600 00
Salary of remittance listing clerk.....	1,300 00	1,300 00
Salaries of four bookkeepers at \$1500 each.....	6,000 00	6,000 00

#### Drafting Division.

Salary of chief draftsman.....	1,600 00	1,600 00
Salaries of five compiling draftsmen at \$1400 each....	7,000 00	7,000 00
Salaries of six assistant draftsmen at \$1200 each.....	7,200 00	7,200 00

#### Miscellaneous Items.

Repair building, to be expended in two years.....	5,000 00	
Postage, stationery, books and express.....	4,000 00	4,000 00
Vellum, blue print paper and drafting supplies.....	1,250 00	1,250 00
Furniture, fixtures, repairs to same.....	250 00	250 00
Telephone, telegraphing, towels and laundry of towels..	150 00	150 00
Contingent expenses .....	250 00	250 00
Traveling expenses of Commissioner or an employe under his direction.....	750 00	750 00
Wood, water and ice.....	400 00	400 00

Total .....\$ 73,350 00 \$ 68,350 00

Provided, that it shall be the duty of the Commissioner of the General Land Office to change any employe of his office to any desk or place when necessary to keep all employed.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein,



and no more, shall be paid out of the general revenue for the General Land Office during the fiscal year beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Railroad Commission.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salaries of three Commissioners.....	\$ 12,000 00	\$ 12,000 00
Salary of secretary.....	1,800 00	1,800 00
Salary of one expert rate clerk.....	2,700 00	2,700 00
Salary of one assistant expert rate clerk.....	2,500 00	2,500 00
Salary of one rate clerk.....	1,500 00	1,500 00
Salary of one assistant expert accountant and rate clerk.....	1,800 00	1,800 00
Salary of one chief expert accountant.....	2,700 00	2,700 00
Salary of one civil engineer.....	3,000 00	3,000 00
Salaries of two additional experts at \$2400 each.....	4,800 00	4,800 00
Salaries of two general clerks at \$1200 each.....	2,400 00	2,400 00
Salary of porter.....	480 00	480 00
For contingent expenses, sheriffs' fees, transportation of Commissioners and clerks, furniture, fixtures and files, postage, stationery, books, telegraph, telephone and express charges, for printing blanks, maps, pamphlets, rulings, tariffs and for other necessary expenses .....	7,500 00	7,500 00
Total .....	\$ 43,180 00	\$ 43,180 00

Provided, that the head of said department keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and that said record be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Railroad Commission during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Department of Agriculture.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	1,500 00	1,500 00
Salary of stenographer.....	1,200 00	1,200 00
Salary of porter.....	480 00	480 00
Furniture .....	50 00	50 00
Carpet .....	270 00	270 00
Telephone rent .....	48 00	48 00
Traveling expenses of Commissioner and chief clerk..	1,000 00	1,000 00
Collecting, compiling and disseminating agricultural information .....	20,000 00	20,000 00
Enforcing nursery and orchard inspection law.....	7,500 00	7,500 00
Contingent expenses .....	100 00	100 00
Conducting farmers' institute work.....	25,000 00	25,000 00
For conducting experiments in poultry culture and poultry diseases and disseminationg information relating thereto .....	1,000 00	1,000 00
Stationery, postage, express and telegraphing.....	3,000 00	3,000 00
Total .....	\$ 63,648 00	\$ 63,648 00

Grand total for year ending August 31, 1914.....\$1,280,539 00  
Grand total for year ending August 31, 1915.....1,212,462 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absence be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of Agriculture during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar create an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

### EIGHTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Monday, August 11, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Lattimore.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	

Absent.

Warren. Willacy.

Absent—Excused.

Clark.

Prayer by the Chaplain.

Pending the reading of the Journal of Saturday, the same was dispensed with on motion of Senator Taylor.

(See Appendix for petitions and memorials and standing committee reports.)

### OATH OF OFFICE ADMINISTERED.

Senator Watson offered the following:

Whereas, Hon. J. H. Bailey, newly elected Senator from the Twenty-second

Senatorial District, is now present and ready to take the oath of office; and

Whereas, Both of his opponents, Hon. Chas. F. Hoff and Hon. J. W. Flournoy, have conceded the election of said Bailey, as shown by telegram and letter attached herewith; therefore be it

Resolved, That the Hon. J. H. Bailey be permitted to proceed to the bar of the Senate and take the oath of office as prescribed by law and the Constitution of this State.

WATSON,  
BAILEY of Harris,  
HUDSPETH,  
ASTIN.

The above resolution was read and the following telegram and letter was read:

Rockport, Texas, August 7, 1913.

Hon. A. B. Davidson, Cuero, Texas.

I concede John H. Bailey's election and hope that he will proceed to Austin without delay and qualify, so as to render this district prompt and good service during this short session.

CHAS. F. HOFF.

Austin, Texas, August 11, 1913.

Hon. Will H. Mayes, Lieutenant Governor and President of the Senate of Texas.

Dear Sir: In the election held in the Twenty-second Senatorial District on August 5, 1913, to fill the vacancy caused by the resignation of Hon. W. O. Murray I was one of the three candidates for said position. That in said election the Hon. John H. Bailey received a majority of all the votes cast in said district for said office, and was elected as the successor of the Hon. W. O. Murray, I therefore, have to request that the Senate waive any formalities of presentation of his certificate of election, and that he be at once administered the oath of office as Senator.

Very respectfully,

JNO. W. FLOURNOY.

The resolution was read and adopted.

The Chair appointed Senator Hudspeth and Harley to escort Senator-elect Bailey of DeWitt to the President's stand, whereupon the oath of office was administered him by Lieutenant Governor Mayes.

#### STATEMENT BY SENATOR HUDSPETH.

Senator Hudspeth immediately after the morning call made the following statement:

Gentlemen of the Senate: I take it that it is not necessary for me to state to this Senate that I am both a personal and political friend of the Governor of Texas. I am also a friend of the Senate and every member thereof.

On yesterday I had a conversation with Governor O. B. Colquitt, and he stated to me that he did not make the statement as quoted in the Dallas News in his speech at Fort Worth, levying certain strictures upon this Senate. He stated that when he referred to the congressional redistricting bill he referred to the Thirty-second Legislature and not the Thirty-third. He said most of his remarks at Fort Worth were made facetiously and in a humorous vein. He stated further that this Senate had treated him fairly, even though a major portion of this body differed from him on some political questions of great importance. He stated to me that he held the Senator from Montague, Senator Wiley, in the highest esteem, and that he intended since noting in the public press the resolution offered by the Senator from Montague on last Saturday, from which it seems that the Senator from Montague had had his feelings hurt on account of certain language attributed to the Governor, sending for the Senator and making an explanation.

He stated further that he appreciated very much the invitation accorded him on last Friday to address this Senate, and that he stood ready at any time that the Senate notified him of its readiness to accept said invitation.

In order that justice may be done to the Hon. O. B. Colquitt, my personal and political friend, I now move you, Mr. President, that a committee of three be appointed to notify the Governor that the Senate is ready for him to appear at the speaker's stand and make response to the resolution inviting him to address this body.

The motion was adopted.

Senator Wiley made the following statement:

Whereas, The Senator from El Paso, Senator Hudspeth, as the personal and political friend of Governor O. B. Colquitt, has made the statement to this Senate, which statement has been reduced to writing, a part of which I quote, that "on yesterday I had a conversation with Governor O. B. Colquitt, and he stated to me that he did not make the statement as quoted in the Dallas News in his speech at Fort Worth, levying certain strictures upon this Senate, and that when he referred to the congressional redistricting bill he referred to the Thirty-second Legislature and not the Thirty-third"; and

Whereas, The statement made by Governor O. B. Colquitt to Senator Hudspeth and delivered to this Senate in open session is a satisfactory explanation of the Dallas News report of the Governor's speech delivered at Fort Worth on August the 7th; and

Whereas, The Senate is assured that the Governor in no way intended to direct a criticism to this Senate, and has stated that this Senate has treated him fairly; therefore be it

Resolved, That we heartily accept the Governor's explanation, and that further action upon the simple resolution introduced by Senator Wiley on August 9th be deferred.

The Chair appointed Senators Hudspeth, Wiley and Bailey of DeWitt as a committee to notify the Governor that the Senate was ready to hear his address.

#### SIMPLE RESOLUTION.

By Senator Watson:

Be it resolved by the Senate, That for the purpose of expediting the contest pending for a seat in this body from the First Senatorial District, that the hearing thereof set for this date be postponed until tomorrow, Tuesday, August 12, at 10 a. m.

Second. That all the boxes, ballots, ballot boxes, tally sheets and all other records that have been required to be brought before the Committee on Privileges and Elections be and the same are hereby directed by the Senate to be turned over into the custody of the Sergeant-at-Arms of the Senate for the inspection and use of Hon. W. S. Thomas and Hon. Rollin Rodgers, attorneys, respectively, of the contestant and contestee, and that the said attorneys be requested to go through said records and eliminate from the hearing in said con-

test all matters upon which there is no controversy and upon which they agree.

WATSON,  
BRELSFORD.

The resolution was read and adopted.  
Morning call concluded.

#### HOUSE BILL NO. 4.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 4, A bill to be entitled "An Act providing for the election of United States Senators from Texas to the Congress of the United States and providing for the selection and nomination of candidates therefor."

The committee report, which recommended that Senate bill No. 3 be passed in lieu of House bill No. 4, and that the bill be not printed, was read and adopted.

#### ADDRESS BY GOVERNOR COLQUITT.

Here the special committee appeared at the bar of the Senate, accompanied by Governor Colquitt, who addressed the Senate.

#### HOUSE BILL NO. 4.

(Pending Business.)

Action recurred on the pending business, House bill No. 4.

The bill was read second time and passed to a third reading.

On motion of Senator Brelsford, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Astin.	Johnson.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.

Absent.

Warren.

Willacy.

Absent—Excused.

Clark.

Senator Lattimore made the point of order that Senate bill No. 3 was not before the Senate and that there could be no further action on same.

The Chair overruled the point of order.

The bill was read third time and passed by the following vote:

Yeas—23.

Bailey of DeWitt.	Johnson.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	

Nays—4.

Lattimore.  
Terrell.

Wiley.  
Willacy.

Absent.

Astin.

Absent—Excused.

Clark.

#### REASON FOR VOTE.

I vote "nay" because Senate bill No. 3 having finally passed the Senate and having gone to the House, it is wholly impossible to pass it now in place of House bill No. 4 or any other bill, and the procedure in its present condition is unprecedented and parliamentarily impossible.

LATTIMORE.

Senator Brelsford moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

Note.—See Journal correction, first page of Journal of nineteenth day.

#### SENATE BILL NO. 14.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 14. A bill to be entitled "An Act to amend Chapters 1 and 2,

Title 104, Revised Civil Statutes of 1911, the same being an act passed by the Fourth Called Session of the Thirty-first Legislature, and entitled 'An Act to establish a prison system, and declaring the policy of the State with reference thereto; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in certain rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor, and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act,' and declaring an emergency."

The bill was read and laid on the table subject to call.

#### HOUSE BILL NO. 14.

The Chair laid before the Senate, as regular order and on second reading,

House bill No. 14, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, to wit: The University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas State Normal, and West Texas State Normal, and declaring an emergency."

The bill was read.

The committee report, with committee amendments and the recommendation that the bill be not printed but be printed in the Journal, was read and adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Collins.	Nugent.
Conner.	Real
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.

Absent.

Willacy.

Warren.

Absent—Excused.

Clark.

The bill was read third time and passed by the following vote:

Yeas—25.

Astin.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	

Present—Not Voting.

Bailey of DeWitt.

Absent.

Warren.

Willacy.

Absent—Excused.

Clark.

Senator Morrow moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 2.

The Chair laid before the Senate, on second reading,

House bill No. 2, A bill to be entitled "An Act making appropriations to pay the salaries and employes of certain departments and courts of the State and other expenses of maintaining and con-



ducting them, as follows: Governor's Office, Mansion and Grounds, Department of State, State Revenue Agent, Public Buildings and Grounds, Department of Insurance and Banking, State Insurance Commission, Texas Library and Historical Commission, State Tax Board, State Purchasing Agent, Public Printing, Bureau of Labor Statistics, State Inspector of Masonry, Public Buildings and Works, Adjutant General's Department, State Board of Health, Game, Fish and Oyster Commissioner, Live Stock Sanitary Commission, State Mining Board, Pure Food Commission, State Pension Department, Attorney General's Department, Department of Education, Treasury Department, Comptroller's Department, General Land Office, Railroad Commission, Department of Agriculture, Board of Water Engineers, and State Levee and Drainage Commission."

Action recurred on the committee report, with (committee) amendments.

Senator Lattimore moved that the report be amended so as to provide that the bill be not printed, but be printed in the Journal, which motion was adopted.

The committee report, as amended, was then adopted.

Senator Conner offered the following amendment:

Amend the bill, page 214 of the Senate Journal, as to the salary of the school and special warrant clerk by increasing the salary of said clerk from \$1300 to \$1500.

Senator Real moved to table the amendment, which motion prevailed.

Senator Brelsford offered the following amendment:

Amend bill as printed in Senate Journal of August 9, 1913, page 208, under Live Stock Sanitary Commission, substitute for "salary of chairman and expenses of Commissioners" the following: "To pay per diem and expenses of three Commissioners, for the years ending August 31, 1914, \$4000; August 31, 1915, \$4000."

The amendment was read and adopted.

Senator Hudspeth offered the following amendment:

Amend the committee report by adding after the provision for payment of rewards, etc., page 199 of the Journal, the following: "The sum of \$5000 is hereby appropriated, or so much as may be necessary, for the restoration of the Alamo property in the city of San Antonio, to be expended under the direction of the Governor and the Superin-

tendent of Public Buildings and Grounds."

WATSON.  
HUDSPETH.

Senator Lattimore offered the following amendment to the amendment:

Amend the pending amendment by adding "said sum to be spent under the exclusive direction of the Daughters of the Republic."

#### EXECUTIVE MESSAGE.

The following executive message was received and read to the Senate:

Governor's Office,  
Austin, Texas, August 11, 1913.

To the Texas Legislature:

In harmony with the proclamation of the Governor convening the First Special Session of the Thirty-third Legislature, and as provided in Section 40, Article 3, of the State Constitution, I present the following subjects for legislation:

1. The passage of an act to amend Chapter 14, General Laws of the Regular Session of the Thirty-third Legislature, the same being "An Act to prohibit the use of any imitation, label, trade mark, design, device, imprint or form of the flag of the State of Texas for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, and fixing a penalty for violation thereof," so as to extend the time within which persons who have heretofore used the flag of the State of Texas for such purpose may dispose of their wares and goods and comply with the law without financial loss and injury to their business.

2. The passage of an act to amend Chapter 162, General Laws of the Regular Session of the Thirty-third Legislature, the same being "An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act to provide for the establishment and maintenance of agricultural, horticultural, and feeding experiment stations in certain parts of Texas; to provide for proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency,' and providing further for a governing board for the Texas Agricultural Experiment Stations, defining the place of residence of the Director of Texas Experiment Stations," so as to prescribe the number of members constituting the governing board of the Texas Agricu-



tural Experiment Stations, fixing their terms of office, and conforming the State law to the Federal statute, which provides for aid from the Federal government for the support of agricultural experiment stations.

3. The passage of an act to amend Article 7642, of Chapter 13, Title 126, Revised Statutes of 1911, providing for the redemption by the owners of lands or lots heretofore sold or that may hereafter be sold to the State, city or town for taxes.

4. The passage of an act to reorganize the Thirty-fourth Judicial District of Texas, to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas, providing for the returning of the process issued and to be issued by said courts, validating process heretofore issued by said court.

5. The passage of an act amending Chapter 7 of the Acts of the Regular Session of the Thirty-third Legislature known as the "Suspended Sentence Law," and an act amending Chapter 132 passed by the Regular Session of the Thirty-third Legislature, known as the "Indeterminate Sentence Law," so as to reconcile and conform said acts as embraced in Chapters 7 and 132, General Laws of the Regular Session of the Thirty-third Legislature.

6. The passage of an act to determine the existence of vacant lands and excess lands owned by the State, creating a board to have control and direction of making of all surveys necessary for the discovery, surveying, locating and platting of said lands; providing for the appraisalment and sale of such lands, and also providing for the prosecution of all suits that may be necessary for the recovery thereof, and generally for the enactment of all incidental provisions necessary for the execution of the purpose of said act.

7. The passage of an act providing for the creation of corporations for the purpose of acquiring, improving, subdividing and selling unimproved lands in this State, and providing for the creation of land credit unions, whereby the owners of improved and unimproved lands, together with their tenants and prospective tenants may form themselves into an association to enable those who do not own a home to acquire and pay for the same as may be provided in said act, defining the powers of such corporations and unions, and generally regulating the same; and also prescribing the terms, conditions and powers of foreign

corporations chartered for such purpose admitted to do business in this State.

8. The enacting of a law providing for the creation of a State Warehouse Commission, prescribing its duties; to provide for a system of bonded warehouses, and affording a method of co-operative marketing for those engaged in the production of farm and ranch products.

9. The passage of an act providing for the payment of deficiencies in the State government for the fiscal years ending August 31, 1912, and August 31, 1913, not already provided for.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

## HOUSE BILL NO. 2.

(Pending Business.)

Action recurred on the pending business, House bill No. 2, the question being on the amendment by Senator Lattimore to the amendment by Senator Hudspeth.

Senator Nugent moved to table the amendment to the amendment, which motion to table was adopted by the following vote:

Yeas—19.

Astin.	Harley.
Bailey of DeWitt.	Hudspeth.
Bailey of Harris.	Johnson.
Brelsford.	McGregor.
Carter.	Morrow.
Collins.	Nugent.
Conner.	Terrell.
Darwin.	Watson.
Gibson.	Wiley.
Greer.	

Nays—5.

Lattimore.	Townsend.
Real.	Westbrook.
Taylor.	

Present—Not Voting.

Cowell.	McNealus.
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Absent.

Warren.	Willacy.
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Absent—Excused.

Clark.

Senator Real moved to table the amendment, which motion to table was lost by the following vote:

Yeas—11.

Cowell.	McGregor.
Darwin.	Morrow.
Johnson.	Real.
Lattimore.	Taylor.

Terrell.  
Townsend.

Westbrook.

Nays—14.

Astin.	Gibson.
Bailey of De Witt.	Greer.
Bailey of Harris.	Harley.
Brelsford.	Hudspeth.
Carter.	Nugent.
Collins.	Watson.
Conner.	Wiley.

Present—Not Voting.

McNealus.

Absent.

Warren.

Willacy.

Absent—Excused.

Clark.

The amendment was then adopted.

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill, page 199, of the Journal, by adding before "Contingent Expenses" the following:

"Salary of one stenographer for the Board of Pardon Advisers—for the year ending August 31, 1914, \$1200; for the year ending August 31, 1915, \$1200."

WATSON.

HUDSPETH.

## BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senators Hudspeth, Bailey, Collins, Watson, Nugent, Carter and Astin:

Senate bill No. 16, A bill to be entitled "An Act on the subject of private corporations, authorizing the chartering of corporations for the purpose of acquiring, improving, subdividing and selling unimproved lands within the State of Texas under the terms, conditions and limitations prescribed in this act; the said corporations to be known as "colonization companies"; and all corporations organized under the provisions of this act, or which accept the provisions of the same, shall be under the supervision of the Commissioner of Banking and Insurance; prescribing the powers, duties and limitations of said corporations, requiring the same to make reports; prescribing the amount of franchise taxes to be paid; prescribing the terms and conditions under which corporations now in existence chartered for other purposes may accept the provisions

of this act and exercise the powers and privileges thereof; prescribing the terms and conditions on which foreign corporations chartered for the same purpose may be admitted to do business in this State, and prescribing the powers, duties and privileges of said foreign corporations, and prohibiting any foreign corporation granted a permit to do business in this State from acquiring, improving, subdividing or selling real estate except as an agent for the owner of said lands; prescribing the procedure to be pursued against companies violating the provisions of this act; and further providing that any foreign corporation doing business in this State under a permit that without the consent of the other party to the litigation shall remove a suit or proceeding brought by or against it in a State court to any Federal court, or shall institute any suit in a Federal court against any domestic corporation or citizen of this State, shall have its permit canceled and it shall be barred from doing business in this State, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senators Hudspeth and Brelsford:

Senate bill No. 17, A bill to be entitled "An Act to determine the existence of vacant lands belonging to the State and all excess in blocks and in surveys owned or sold by the State; creating a Land Board to have the control and direction of the making of surveys of such lands; providing for the employment of a State Surveyor and assistants and for their compensation; prescribing the manner of making such surveys and the classification and appraisement of the land surveyed; giving certain prior rights to purchase the lands so surveyed; defining excess land; prescribing a rule of evidence in suits for the recovery of such lands; withdrawing from the market all unsurveyed public school lands and all vacant and excess lands until surveyed under this act; withholding from sale the lands surveyed under this act until the final determination of the State's ownership of the lands; providing for the sale of such lands; providing for suits by the Attorney General for the recovery of such lands and for the recovery of public school lands and for the protection and enforcement of the State's rights and interests incident to or connected with such lands and incident to or connected with any public school lands, and fixing the venue of such suits in Travis county, Texas, concurrently

with the county where the land is situated; prohibiting any member of said board or any surveyor or other person employed in connection with said surveys from being interested in the purchase of any such lands; prohibiting any person from interfering with the surveyor or any assistant surveyor in making such surveys; fixing penalties for its violation; repealing Articles 5347, 5348, 5349, 5396, 5397, 5398, 5399 and 5400 of the Revised Civil Statutes of 1911; making an appropriation to carry out the provisions of this act, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

### RECESS.

On motion of Senator Johnson, the Senate, at 12:35 o'clock p. m., recessed until 2:30 o'clock today.

### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

### HOUSE BILL NO. 2.

(Pending Business.)

Action recurred on the pending business, House bill No. 2.

Senators McNealus and Wiley offered the following amendment, which was read and adopted:

Amend the bill, page 217, as printed in Senate Journal August 9, 1913, by inserting at the last of the appropriation made for Department of Agriculture the following:

"For the purpose of aiding experiment stations in collecting, maintaining, transporting and exhibiting farm products at the National Corn Show to be held at Dallas, Texas, \$10,000."

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the figures "\$119,500" for the year September 1, 1913, to August 31, 1914, under the head of State Insurance Commissioner, on page 202 of the bill as printed in the Journal.

Senator Westbrook offered the following amendment:

Amend the bill on page 200 of Senate Journal by eliminating the following: "Salary of cashier and clerk, \$1500 for 1914 and \$1500 for 1915."

Senator Bailey of Harris moved to table the amendment, which motion was adopted.

Senator McNealus offered the following amendment:

Amend the bill as printed in the Senate Journal of August 9, page 187, by inserting the following after the item concerning House bill No. 366 on communicable diseases:

"For salaries and expenses of two inspectors to enforce the provisions of Chapter 47, General Laws of the Thirty-third Legislature, being an act to prevent the pollution of the watercourses or other public bodies of water of the State of Texas, providing means for the abatement thereof of \$4000."

The amendment was read and, on motion of Senator Cowell, was tabled.

Senator Westbrook offered the following amendment:

Amend the bill, on page 199 of the Senate Journal, by cutting out, under the head of "Mansion and Grounds," the last line, which carries \$2000 for the year 1914 and \$2000 for the year 1915, for fuel, lights, water, ice, groceries and incidentals."

Senator Bailey of Harris moved to table the amendment, which motion was adopted.

Senator Hudspeth offered the following amendment:

Amend the bill, page 215, Senate Journal, by making salary of title and deposition clerk read \$1500 for each year.

Senator Brelsford moved to table the amendment, which motion was lost.

The amendment was then adopted.

Senator Darwin offered the following amendment:

Amend the bill, page 200, line 2, by inserting \$2000 where \$1800 appears as the salary of the chief clerk of the Department of State.

Senator Lattimore moved the previous question on the amendment and the bill, which motion was duly seconded.

The motion for the previous question was adopted by the following vote:

Yeas—13.

Astin.	Johnson.
Bailey of Harris.	Lattimore.
Carter.	Nugent.
Clark.	Real.
Cowell.	Wiley.
Gibson.	Willacy.
Harley.	

Nays—11.

Collins.	Darwin.
Conner.	Greer.

Hudspeth.	Townsend.
McGregor.	Watson.
McNealus.	Westbrook.
Taylor.	

Absent.

Bailey of De Witt.	Terrell.
Brelsford.	Warren.
Morrow.	

The amendment by Senator Darwin was read, and Senator Johnson moved to table same, which motion to table was lost by the following vote:

Yeas—10.

Clark.	McNealus.
Collins.	Nugent.
Cowell.	Westbrook.
Johnson.	Wiley.
Lattimore.	Willacy.

Nays—15.

Astin.	Harley.
Bailey of Harris.	Hudspeth.
Brelsford.	McGregor.
Carter.	Real.
Conner.	Taylor.
Darwin.	Townsend.
Gibson.	Watson.
Greer.	

Absent.

Bailey of De Witt.	Terrell.
Morrow.	Warren.

The amendment was then adopted.

Senator Westbrook, by unanimous consent, offered the following amendment:

Amend the bill, on page 214 of the Senate Journal, by inserting after salary of chief tax clerk the following, "August 31, 1914, \$1500; August 31, 1915, \$1500," in lieu of \$1350 for each year.

The amendment was read and lost by the following vote:

Yeas—11.

Bailey of Harris.	McNealus.
Collins.	Morrow.
Conner.	Taylor.
Gibson.	Townsend.
Greer.	Westbrook.
McGregor.	

Nays—14.

Astin.	Johnson.
Carter.	Lattimore.
Clark.	Nugent.
Cowell.	Real.
Darwin.	Watson.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Bailey of De Witt.	Terrell.
Brelsford.	Warren.

Senator Westbrook called for the reading of the bill in full.

Senator Lattimore made the point of order that the previous question having been ordered, the calling for the reading of the bill in full came too late.

The Chair sustained the point of order.

Senator Westbrook appealed from the ruling of the Chair.

President Pro Tem. Carter was called to the chair and presided.

The Senate sustained the ruling of the Chair by the following vote:

Yeas—25.

Astin.	Johnson.
Bailey of Harris.	Lattimore.
Bailey of DeWitt.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Watson.
Greer.	Wiley.
Harley.	Willacy.
Hudspeth.	

Nays—1.

Westbrook.

Present—Not Voting.

Conner.	Townsend.
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Absent.

Warren.

(Lieutenant Governor Mayes resumed the chair.)

The bill was read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Astin.	Darwin.
Bailey of De Witt.	Gibson.
Bailey of Harris.	Greer.
Brelsford.	Harley.
Carter.	Hudspeth.
Clark.	Johnson.
Collins.	Lattimore.
Conner.	McGregor.
Cowell.	McNealus.

Morrow.                      Townsend.  
Nugent.                      Watson.  
Real.                          Wiley.  
Taylor.                      Willacy.

Nays—1.

Westbrook.

Absent.

Terrell.                      Warren.

Senator Westbrook called for the reading of the bill in full.

(Senator Westbrook in the chair.)

Pending the reading of the bill, Senator Watson moved that the constitutional rule requiring bills to be read in full be dispensed with.

The Chair (Senator Westbrook) declared the motion out of order.

Senator Watson appealed from the ruling of the Chair, and Senator Collins was called to the chair and presided.

The Senate overruled the Chair by the following vote:

Nays—23.

Astin.	Hudspeth.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Watson.
Gibson.	Wiley.
Greer.	Willacy.
Harley.	

Present—Not Voting.

Collins.                      Westbrook.  
Townsend.

Absent.

Johnson.                      Warren.  
Real.

(Lieutenant Governor Mayes in the chair.)

Action recurred on the motion by Senator Watson to dispense with the further reading of the bill, and the same was adopted by the following vote:

Yeas—26.

Astin.	Conner.
Bailey of De Witt.	Cowell.
Bailey of Harris.	Darwin.
Brelsford.	Gibson.
Carter.	Greer.
Clark.	Harley.
Collins.	Hudspeth.

Lattimore.                      Taylor.  
McGregor.                      Terrell.  
McNealus.                      Townsend.  
Morrow.                      Watson.  
Nugent.                      Wiley.  
Real.                          Willacy.

Nays—1.

Westbrook.

Absent.

Johnson.                      Warren.

The bill was read third time and passed by the following vote:

Yeas—26.

Astin.	Hudspeth.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Watson.
Greer.	Wiley.
Harley.	Willacy.

Nays—1.

Westbrook.

Absent.

Johnson.                      Warren.

Senator Cowell moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### REASON FOR VOTE.

I vote "nay" on House bill No. 2 for the reason that it provides considerable increased appropriations and was rushed through without sufficient thought and discussion.

WESTBROOK.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 11, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 18, A bill to be entitled "An Act to repeal Article 6214 of the Revised Statutes of 1911; to amend Article 6215, Title 104, of the Revised

Statutes of 1911 so as to provide that prisoners of the State penitentiary system need not be paid for Sunday labor; to amend Article 6220, Title 104, of the Revised Statutes of 1911 so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, and amending Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, but only to the nearest depot to the point from whence sentenced, or an equal distance," with engrossed rider.

House bill No. 27, A bill to be entitled "An Act to amend Title 76, Articles 5221, 5222, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232, 5233 and 5234 of the Revised Civil Statutes of 1911, concerning the management and control of the State Institution for the Training of Juveniles, and to add thereto Articles 5234a and 5234b," with engrossed rider.

Respectfully,

W. R. LONG,

Chief Clerk House of Representatives.

#### HOUSE BILLS ON FIRST READING.

The Chair (Lieutenant Governor Mayes) referred, after their captions had been read, the following House bills:

House bill No. 18, referred to Committee on State Penitentiaries.

House bill No. 27, referred to Committee on Educational Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 2.

The Chair laid before the Senate House Concurrent Resolution No. 2, Relating to requesting the Governor to submit the matter of changing the statute relative to appointment of notaries public.

The committee report, which provided that the resolution be not printed, was adopted.

The resolution was read and adopted.

#### RELATING TO PENITENTIARY AFFAIRS.

Senator Terrell presented a letter with reference to penitentiary affairs, which

was read to the Senate, and asked unanimous consent that same be printed in the Journal.

Senator Clark moved to lay the letter on the table.

Senator Terrell moved, as a substitute, that the letter be printed in the Journal.

The substitute motion was lost, and the motion to table was adopted.

(President Pro Tem. Carter in the chair.)

#### ADJOURNMENT.

On motion of Senator Conner, the Senate, at 4:20 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

#### APPENDIX.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, August 9, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Commerce and Manufactures, to whom was referred

Senate Concurrent Resolution No. 3, Relative to the Clark amendment to the tariff bill now pending in Congress of the United States, taxing contracts dealing in cotton futures,

Have had the same under consideration, and I am instructed by a majority of said committee to report the same back to the Senate with the recommendation that it do not pass.

COLLINS, Chairman.

Committee Room,  
Austin, Texas, August 9, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Commerce and Manufactures, to whom was referred

Senate Concurrent Resolution No. 3, Relative to the Clark amendment to the tariff bill now pending in Congress of the United States, taxing contracts dealing in cotton,

Have had the same under consideration, and I, a minority of said committee, beg leave to report the same back to the Senate with the recommendation that it do pass.

ASTIN.



(Floor Report.)

Austin, Texas, August 11, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 16, A bill to be entitled "An Act on the subject of private corporations, authorizing the chartering of corporations for the purpose of acquiring, improving, subdividing and selling unimproved lands within the State of Texas under the terms, conditions and limitations prescribed in this act; the said corporations to be known as 'colonization companies'; and all corporations organized under the provisions of this act, or which accept the provisions of the same, shall be under the supervision of the Commissioner of Banking and Insurance; prescribing the powers, duties and limitations of said corporations; requiring the same to make reports; prescribing the amount of franchise taxes to be paid; prescribing the terms and conditions under which corporations now in existence chartered for other purposes may accept the provisions of this act and exercise the powers and privileges thereof; prescribing the terms and conditions on which foreign corporations chartered for the same purpose may be admitted to do business in this State, and prescribing the powers, duties and privileges of said foreign corporations, and prohibiting any foreign corporation granted a permit to do business in this State from acquiring, improving, subdividing or selling real estate except

as an agent for the owner of said lands; prescribing the procedure to be pursued against companies violating the provisions of this act; and further providing that any foreign corporation doing business in this State under a permit that without the consent of the other party to the litigation shall remove a suit or proceeding brought by or against it in a State court to any Federal court, or shall institute any suit in a Federal court against any domestic corporation or citizen in this State, shall have its permit canceled and it shall be barred from doing business in this State, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be printed.

Morrow, Chairman; Greer, Carter, Brelsford, Wiley, Lattimore, Watson, Hudspeth, Bailey.

#### PETITION.

Senators Townsend and Nugent offered the following:

Huntsville, Texas, August 11, 1913.

Hon. W. J. Townsend, State Senator, Austin, Texas:

If W. T. Eldridge addresses Senate, the Prison Commissioners would like Hon. Ben E. Cabell to be given opportunity to reply, giving his ideas, all Commissioners to be present.

R. W. BRAHAN.  
LOUIS W. TITTLE

#### HOUSE BILL NO. 24.

Printed here by order of the Senate:

H. H. No. 24.

By Wortham.

#### A BILL

To be entitled

An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, to wit: State Orphans' Home; Confederate Home; Confederate Woman's Home; Blind Institute; Deaf and Dumb Institute; Epileptic Colony; Deaf, Dumb and Blind Institute for Colored Youths; State Institution for the Training of Juveniles; Tuberculosis Sanitarium at Carlsbad; State Lunatic Asylum; Southwestern Insane Asylum, and North Texas Hospital for the Insane.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the salaries of officers and

employees and other expenses necessary for the support and maintenance of certain eleemosynary institutions of the State from September 1, 1913, to August 31, 1915, as follows, towit:

## State Orphans' Home.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent, with provisions for himself and family not to exceed \$500 per annum, and fuel, lights, laundry, water and housing.....	\$ 1,800 00	\$ 1,800 00
Salary of principal of school, with board for nine months	810 00	810 00
Salary of chaplain to act as teacher during school time in connection with his duties as chaplain.....	720 00	720 00
Salary of teacher of English and Latin.....	540 00	540 00
Salary of teacher of history and civics.....	540 00	540 00
Salary of teacher of music, vocal and instrumental.....	540 00	540 00
Salary of teacher of commercial course.....	540 00	540 00
Salary of two primary teachers at \$45 per month each.	810 00	810 00
Salary of one grade teacher.....	405 00	405 00
Salary of instructor in cooking, sewing and manual training .....	1,000 00	1,000 00
Salary of head matron.....	540 00	540 00
Salary of one assistant matron and four ward matrons	1,500 00	1,500 00
Salary of chief cook.....	500 00	500 00
Salary of two assistant cooks.....	600 00	600 00
Salary of stewardess.....	240 00	240 00
Salary of head laundress.....	300 00	300 00
Salary of two assistant laundresses.....	480 00	480 00
Salary of industrial manager.....	1,200 00	1,200 00
Salary of farm laborers and gardeners.....	600 00	600 00
Salary of night watchman.....	360 00	360 00
Salary of physician not to live at the Home.....	600 00	600 00
Salary of trained nurse in hospital.....	720 00	720 00
Salary of engineer, electrician and plumber.....	900 00	900 00
Salary of shoe and harness repairer.....	420 00	420 00
Salary of instructor in broom and mattress factory....	660 00	660 00
Salary of carpenter and blacksmith.....	660 00	660 00
Salary of three seamstresses.....	720 00	720 00
Salary of storekeeper and accountant.....	900 00	900 00
Salary of band instructor.....	300 00	300 00
Material, supplies and machinery for broom and mattress factory .....	400 00	400 00
General repairing for powerhouse.....	250 00	250 00
Rebuilding and repairing electric lines.....	500 00	500 00
Repairing heating lines.....	150 00	150 00
Sewer and plumbing.....	250 00	250 00
Material for heating and light plant.....	300 00	300 00
Fuel .....	4,000 00	4,000 00
Postage and stationery.....	200 00	200 00
School supplies, books, crayon, tablets, pencils, furniture, etc.....	600 00	400 00
Transportation .....	250 00	250 00
Telephone rent .....	100 00	100 00
Purchasing mules, horses, vehicles and farm implements .....	600 00	300 00
General maintenance .....	30,000 00	30,000 00
Improving grounds and driveways.....	300 00	300 00
Stock and forest trees.....	75 00	75 00
For fire protection, as per estimate of Fire Marshal...	8,975 00	
For the construction and furnishing of toilet and bath room to be 18x18, equipped with five comodes and three bath tubs; said building to be of brick with concrete floor and metal roof.....	1,200 00	

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

For the construction, equipping and installing apparatus in manual training, domestic science, domestic art and commercial building.....	12,000 00	
Total .....	\$ 80,055 00	\$ 57,380 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Orphan Home during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrant be issued or obligations incurred in excess of the amounts herein appropriated. Provided, that the interest on all securities held by the Orphan Asylum fund is hereby appropriated in part payment of the appropriation of the State Orphan Home, the remainder of the appropriation to be paid out of the general revenue.

Provided, that the Board of Managers are hereby authorized to sell surplus products raised and manufactured at the State Orphan Home, and to apply the proceeds thereof to the needs of the Home, keeping correct, accurate and full accounts of the receipts and disbursements from this source, and making sworn reports thereof to the Comptroller of Public Accounts, which reports shall also be incorporated in the annual reports of said Home.

#### Confederate Home.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent with provisions for himself and family, not to exceed \$500 per annum, and fuel, light, water and housing.....	\$ 2,000 00	\$ 2,000 00
Support and maintenance, groceries, fuel, lights, water, feed, including pay for monthly, pay for Board of Trustees, burial of the dead and compensation of chaplain .....	55,000 00	55,000 00
Salary of surgeon.....	2,000 00	2,000 00
For treatment of ear, eye and nose.....	300 00	300 00
Salary of storekeeper and accountant, who shall be bookkeeper .....	900 00	900 00
Salary of matron.....	480 00	480 00
Salary of apothecary.....	780 00	780 00
Salary of chief cook.....	600 00	600 00
Salary of baker.....	480 00	480 00
Salary of two assistant cooks at \$240 each.....	480 00	480 00
Salary of head waiter.....	300 00	300 00
Salary of ten waiters at \$180 each.....	1,800 00	1,800 00
Salary of chief cook at hospital.....	600 00	600 00
Salary of assistant cook at hospital.....	240 00	240 00
Salary of stewardess at hospital.....	480 00	480 00
Salary of two trained nurses.....	1,200 00	1,200 00
Salary of five male nurses.....	1,440 00	1,440 00
Salary of two night nurses.....	720 00	720 00
Salary of three hospital waiters.....	540 00	540 00
Salary of one scrubber.....	180 00	180 00
Salary of barber.....	360 00	360 00
Salary of head laundryman.....	500 00	500 00
Salaries of six laundresses.....	1,080 00	1,080 00
Salary of carpenter and plumber.....	600 00	600 00
Salary of seamstress .....	480 00	480 00
Salary of one yard man.....	240 00	240 00
To pay hostler, postmaster, wood chopper, day and night guard .....	850 00	850 00

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Salary of driver of delivery wagon.....	\$ 300 00	\$ 300 00
Shoe repairing .....	400 00	400 00
Furniture and beds .....	600 00	600 00
Dry goods and clothing .....	11,000 00	11,000 00
Transportation .....	200 00	200 00
Repairs and painting .....	800 00	800 00
Books, periodicals, newspapers and postage.....	550 00	550 00
Improvements of grounds, to be expended under the supervision of the superintendent.....	600 00	600 00
Medicine, instruments and hospital supplies.....	2,500 00	2,500 00
Kitchen, dining room and laundry supplies.....	600 00	600 00
For dental work .....	300 00	300 00
Notions .....	200 00	200 00
Salary of secretary, who shall be stenographer to superintendent .....	740 00	740 00
For repairs, painting, papering, etc.....	3,000 00	
One survey .....	125 00	
One delivery wagon .....	75 00	
One horse or mule .....	150 00	
Total .....	\$ 96,770 00	\$ 93,420 00

The foregoing appropriations are made for the maintenance and support of the Confederate Home during the fiscal years beginning September 1, 1913, and ending August 31, 1915, to be paid out of revenues derived from the special ad valorem tax of five cents on the one hundred dollars levied by Chapter 141, Acts of the Regular Session of the Thirty-third Legislature.

Provided that the Board of Managers are hereby authorized to sell such articles of clothing, hats, shoes, queensware, dry goods, and supplies as are of no use to the Home and apply the proceeds to the needs of said Home.

Provided, that the head of said institution keep a record of the absences of the various employes, whether from sickness, vacation or on leave of absence, and that said record of such absences be incorporated in the report made annually by the head of said institution.

#### Confederate Woman's Home.

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Maintenance and Support—		
Groceries, drugs, clothing, laundry house washing, dairy, meat market, vegetables, coal, wood, gas, elec- tric lights and water .....	\$ 12,000 00	\$ 12,000 00
Salary of cook.....	360 00	360 00
Salary of janitor and yardman.....	480 00	480 00
Salary of night watchman .....	480 00	480 00
Salaries of two attendants.....	480 00	480 00
Salary of two dining room waiters, who shall also assist with kitchen work .....	480 00	480 00
Salary of trained nurse to be called at discretion of the superintendent .....	600 00	600 00
Salary of superintendent .....	1,200 00	1,200 00
General repairs and plumbing .....	400 00	400 00
Improvements .....	375 00	
Total .....	\$ 16,855 00	\$ 16,480 00

Provided, that the foregoing appropriations are made for the maintenance and support of the Confederate Woman's Home during the fiscal year beginning September 1, 1913, and ending August 31, 1915, to be paid out of revenues derived from the special ad valorem tax of five cents on the one hundred dollars levied by Chapter 141, Acts of the Regular Session of the Thirty-third Legislature.

## Blind Institute.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per annum, fuel, light, laundry, water and housing for himself and family .....	\$ 2,000 00	\$ 2,000 00
Salary of oculist .....	900 00	900 00
Salary of medical attendant .....	600 00	600 00
Salary of storekeeper and accountant with board for self and wife .....	1,200 00	1,200 00
Salary of matron eleven months, with board.....	550 00	550 00
Salary of second matron, ten months, with board.....	500 00	500 00
Salary of principal .....	1,500 00	1,500 00
Salaries of three high school teachers.....	2,700 00	2,700 00
Salary of eighth grade teacher.....	675 00	675 00
Salary of seventh grade teacher.....	675 00	675 00
Salary of sixth grade teacher.....	675 00	675 00
Salary of fifth grade teacher .....	675 00	675 00
Salary of fourth grade teacher .....	675 00	675 00
Salary of third grade teacher.....	675 00	675 00
Salary of second grade teacher.....	810 00	810 00
Salary of first grade and kindergarten teacher.....	900 00	900 00
Salary of kindergarten assistant .....	540 00	540 00
Salary of teacher of typewriting and telegraphy.....	675 00	675 00
Salary of teacher of pipe organ, piano and harmony..	810 00	810 00
Salary of teacher of orchestral instruments.....	810 00	810 00
Salary of piano, mandolin and guitar teacher.....	765 00	765 00
Salary of teacher of vocal music.....	675 00	675 00
Salary of teacher of piano tuning and repairing and keeping all pianos in tune and repair.....	675 00	675 00
Salary of teacher of piano and music reader.....	675 00	675 00
Salary of teacher of piano and music reader.....	675 00	765 00
Salary of assistant teacher of orchestral instruments and piano .....	675 00	675 00
Salary of violin teacher.....	540 00	540 00
Salary of director of girls' industrial department.....	675 00	675 00
Salary of assistant teacher of girls' industrial department without board.....	360 00	360 00
Salary of director of boys' industrial department ten months without board.....	720 00	720 00
Salary of teacher of boys' industrial department without board .....	550 00	550 00
Salary of trained nurse for girls, nine months with board .....	540 00	540 00
Salary of trained nurse for boys, nine months with board .....	540 00	540 00
Salary of physical director for girls.....	540 00	540 00
Salary of physical director for boys.....	540 00	540 00
Salaries of all teachers, not otherwise specified, are for nine months and without board, except those who may be assigned to do dormitory duties and other resident work; provided, the Superintendent in his report shall give the name of every teacher who thus gets board; and provided further, the teacher appointed chief monitress shall receive \$50 per month additional salary .....	45 00	45 00
Salaries of two seamstresses nine months, and one seamstress three months, with day board.....	630 00	630 00
Salary of house mother for little girls nine months with board .....	315 00	315 00
Salary of house mother for little boys nine months with board .....	315 00	315 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of housekeeper for large boys nine months with board .....	\$ 315 00	\$ 315 00
Salary of supervisor of dining room, study hall, showing visitors around, and doing dormitory duty, nine months with board.....	450 00	450 00
Salary of night watchman twelve months without board	600 00	600 00
Salary of engineer, electrician and plumber twelve months with day board.....	900 00	900 00
Salary of assistant engineer, electrician and plumber, ten months with board.....	500 00	500 00
Salary of second assistant engineer five months with board .....	150 00	150 00
Salary of yard man twelve months with board.....	360 00	360 00
Salary of assistant yard man and hostler twelve months with board .....	360 00	360 00
Salary of janitor of school building nine months with board .....	270 00	270 00
Salary of office assistant and stenographer.....	480 00	480 00
Salary of carpenter and painter twelve months, with day board .....	480 00	480 00
Salaries of one baker and five cooks nine months, with board .....	1,665 00	1,665 00
Salaries of five dining room girls nine months, with board .....	900 00	900 00
Salaries of four chambermaids nine months, with board	720 00	720 00
Salary of head laundress twelve months, with board...	360 00	360 00
Salaries of five assistant laundresses nine months, with board .....	900 00	900 00
Salary of one cook three summer months, with board..	90 00	90 00
Salary of one chambermaid three summer months, with board .....	60 00	60 00
Salary of one dining room girl three summer months, with board .....	60 00	60 00
Salaries of five trustees, payable monthly.....	300 00	300 00
Transportation for indigent pupils.....	1,500 00	1,500 00
Dry goods and clothing for indigent pupils.....	2,000 00	2,000 00
Fuel .....	3,500 00	3,500 00
Water, electric lighting and power.....	1,800 00	1,800 00
To purchase pianos, music in ordinary and point print, dissected maps globes, apparatus for school, kindergarten materials, school furniture, and the Superintendent is authorized to sell or exchange the old pianos now in the Institute at such price as he may be able to get for them.....	2,000 00	2,000 00
General repairs to buildings and grounds, painting buildings and fences, mending and extending concrete walks, enameling iron beds and bath tubs, repairing and upholstering furniture.....	2,700 00	2,700 00
For stamps, stationery, copy books, telephone rent, telephoning and telegraphing.....	600 00	600 00
Maintenance of girls' industrial department, materials, machines and other supplies.....	800 00	800 00
Maintenance of boys' industrial department.....	3,000 00	3,000 00
Groceries, provisions, supplies, printing, medicines, supplies for oculist, contingent and miscellaneous expenses .....	25,000 00	25,000 00
To purchase swings, graphophones and records, and to provide for other forms of amusement and exercise for the children.....	250 00	250 00
Furniture, furnishings, floor coverings, dining room and kitchen belongings, shower baths, bath tubs, toilet and toilet supplies, and electric, steam heating and plumbing supplies .....	1,800 00	1,800 00



For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

To purchase two horses.....	\$ 400 00	
For remodeling and making fireproof the old buildings	78,000 00	
To add third story to old buildings.....	21,000 00	
For iron and concrete porches and galleries.....	12,000 00	
For electric wiring.....	3,100 00	
For plumbing .....	6,100 00	
For replacing entire heating system.....	14,700 00	
New powerhouse and laundry.....	12,000 00	
New boiler and moving and resetting old ones.....	3,500 00	
For changing old powerhouse into hospital and equip- ping .....	8,500 00	
One mangle for laundry.....	1,000 00	
Sewer with all connections.....	1,100 00	
Extending the underground conduit.....	1,000 00	
For an electric motor.....	225 00	
To purchase additional grounds, or so much thereof as may be necessary.....	15,000 00	
Total .....	\$261,390 00	\$ 83,865 00

Provided, that the interest on all securities held by the Blind Institute fund is hereby appropriated in part payment of the appropriation of the Blind Institute, the remainder of the appropriation to be paid out of the general revenue.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Blind Institute during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said institution keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said institution.

#### Deaf and Dumb Institute.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per year, fuel, water and housing for himself and family.....	\$ 2,000 00	\$ 2,000 00
Salary of principal, without board.....	1,500 00	1,500 00
Salary of first teacher, without board.....	1,150 00	1,150 00
Salary of second teacher, without board.....	1,150 00	1,150 00
Salary of third teacher, without board.....	1,000 00	1,000 00
Salary of fourth teacher, without board.....	900 00	900 00
Salary of fifth teacher, without board.....	800 00	800 00
Salary of sixth teacher, without board.....	720 00	720 00
Salary of seventh teacher, without board.....	720 00	720 00
Salary of eighth teacher, without board.....	720 00	720 00
Salary of ninth teacher, without board.....	720 00	720 00
Salary of tenth teacher, without board.....	720 00	720 00
Salary of eleventh teacher, without board.....	720 00	720 00
Salary of twelfth teacher, without board.....	660 00	660 00
Salary of thirteenth teacher, without board.....	660 00	660 00
Salary of first oral teacher, without board.....	1,000 00	1,000 00
Salary of second oral teacher, without board.....	900 00	900 00
Salary of third oral teacher, without board.....	900 00	900 00
Salary of fourth oral teacher, without board.....	800 00	800 00
Salary of fifth oral teacher, without board.....	800 00	800 00
Salary of sixth oral teacher, without board.....	800 00	800 00
Salary of seventh oral teacher, without board.....	780 00	780 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of eighth oral teacher, without board.....	\$ 780 00	\$ 780 00
Salary of ninth oral teacher, without board.....	720 00	720 00
Salary of tenth oral teacher, without board.....	720 00	720 00
Salary of eleventh oral teacher, without board.....	720 00	720 00
Salary of twelfth oral teacher, without board.....	660 00	660 00
Salary of thirteenth oral teacher, without board.....	660 00	660 00
Salary of fourteenth oral teacher, without board.....	660 00	660 00
Salary of fifteenth oral teacher, without board.....	660 00	660 00
Salary of sixteenth oral teacher, without board.....	660 00	660 00
Salary of seventeenth oral teacher, without board.....	600 00	600 00
Salary of eighteenth oral teacher, without board.....	600 00	600 00
Salary of art teacher, without board.....	720 00	720 00
Salary of instructor in printing, without board.....	720 00	720 00
Salary of instructor in shoemaking, without board....	720 00	720 00
Salary of instructor in carpentry, without board.....	720 00	720 00
Salary of instructor in tailoring, without board.....	720 00	720 00
Salary of instructor in sewing, without board.....	540 00	540 00
Salary of instructor in painting, without board.....	720 00	720 00
Salary of storekeeper and accountant.....	900 00	900 00
Salary of stenographer and assistant storekeeper and accountant, with board.....	600 00	600 00
Salary of matron, with board.....	480 00	480 00
Salary of housekeeper, with board.....	550 00	550 00
Salary of supervisor, with board.....	480 00	480 00
Salary of assistant supervisor, with board.....	480 00	480 00
Salaries of two supervisors for small boys, with board .....	800 00	800 00
Salaries of two supervisors for girls, with board..	800 00	800 00
Salary of night watchman, without board.....	600 00	600 00
Salary of engineer, electrician and plumber.....	900 00	900 00
Salary of assistant engineer and plumber, with board..	600 00	600 00
Salaries of two trained nurses, with board.....	960 00	960 00
Salary of one night supervisors and seamstress, with board .....	400 00	400 00
Salary of gardener, with board.....	300 00	300 00
Salaries of two laborers, with board.....	540 00	540 00
Salary of one laborer, without board.....	360 00	360 00
Salary of foreman of laundry, with board.....	500 00	500 00
Salaries of seven laundresses, with board.....	1,400 00	1,400 00
Salary of baker, with board.....	600 00	600 00
Salary of chief cook, with board.....	480 00	480 00
Salary of one assistant cook for twelve month, with board .....	300 00	300 00
Salaries of two assistant cooks for ten months, with board .....	500 00	500 00
Salaries of two chambermaids, with board.....	480 00	480 00
Salaries of seven dining room girls, with board.....	1,260 00	1,260 00
Maintenance, supplies and provisions.....	45,000 00	45,000 00
Water, light and power.....	3,600 00	3,600 00
Furniture, iron beds and furnishings.....	1,500 00	1,500 00
Clothing and transportation of indigents.....	3,600 00	3,600 00
Art material .....	250 00	250 00
Salaries of board of trustees.....	300 00	300 00
Dry goods and blankets .....	1,800 00	1,800 00
Medical attention and dentistry.....	1,500 00	1,500 00
Literary and school supplies.....	800 00	800 00
Harness and tools .....	100 00	100 00
Repairs to buildings and grounds.....	1,500 00	1,500 00
For care, maintenance and education of the deaf blind...	2,000 00	2,000 00
Laundry machinery and repairs to the same.....	200 00	200 00

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Picture films and amusements.....	\$ 200 00	\$ 200 00
New buildings for girls' dormitories and detention room for contagious diseases or so much thereof as may be necessary .....	30,000 00	
Addition to boys' dormitories .....	20,000 00	
Additional appropriations needed to equip new girls' and boys' dormitories, beds, mattresses and blankets.		2,500 00
Steel lockers .....		1,500 00
Wiring, plumbing, lighting and heating same.....		2,000 00
Tearing down rotten front porch (4 stories) and re- placing with one-story stone structure.....		2,000 00
Erecting two-story brick storeroom, in place of pres- ent dangerous wooden structure .....		7,000 00
Rewiring entire institution.....		3,000 00
Two new boilers and installing same.....		7,500 00
To provide ventilation for girls' toilet and bath, renew floors in girls' dormitories, to provide apparatus for little children's playgrounds, and to purchase new sewing machines .....		1,000 00
For screening all upper galleries and windowe, with iron grating to protect children from falling.....	1,200 00	
For two fire escapes for school building.....		2,500 00
For fireproof steel lockers for dormitories to replace present out of date and worn out ones which are fire traps .....		2,500 00
Painting iron roofs of all buildings (second year).....		750 00
Insurance of all institution buildings.....	1,500 00	
Instructors needed to new departments instituted, etc.—		
Teacher of bookkeeping and typewriting.....	720 00	720 00
Teacher of domestic science.....	500 00	500 00
Physical director and instructor in gymnasium work and physical culture .....	720 00	720 00
Equipping dental office and barber shop.....	500 00	
Equipping gymnasium, and heating, lighting and plumb- ing for same .....	4,000 00	
One janitor, who shall also serve as supervisor of boys on third floor of dormitory.....	480 00	480 00
One supervisoress of girls, who shall have charge of girls in new dormitory (second year).....		400 00
Total .....	\$169,000 00	\$144,450 00

Provided, that the interest on all securities held by the Deaf and Dumb Institute funds are hereby appropriated, the remainder to be paid out of the general revenue; and provided further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Deaf and Dumb Institute during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and, provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

## Epileptic Colony.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent, provided he shall receive provisions not to exceed \$500 per year, and fuel, lights, water and housing for himself and family...	\$ 2,000 00	\$ 2,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of druggist and stenographer .....	720 00	720 00
Salary of storekeeper and accountant.....	900 00	900 00
Salary of supervisoress .....	480 00	480 00
Salary of supervisor .....	600 00	600 00
Salary of matron.....	600 00	600 00
Salary of engineer .....	1,100 00	1,100 00
Salary of assistant engineer and electrician.....	600 00	600 00
Salary of assistant engineer and plumber.....	600 00	600 00
Salaries of three firemen.....	1,080 00	1,080 00
Salary of laundryman or laundress.....	420 00	420 00
Salaries of four laundresses .....	960 00	960 00
Salary of head seamstress .....	300 00	300 00
Salaries of three seamstresses .....	720 00	720 00
Salaries of four dining room girls.....	960 00	960 00
Salaries of 28 day and night attendants.....	8,400 00	8,400 00
Salary of outside nightwatch.....	360 00	360 00
Salaries of two skilled nurses .....	840 00	840 00
Salary of head farmer .....	480 00	480 00
Salary of gardener .....	360 00	360 00
Salaries of two farm hands .....	480 00	480 00
Salary of dairyman.....	300 00	300 00
Salaries of nine cooks.....	2,700 00	2,700 00
Salary of carpenter.....	480 00	480 00
Salary of baker.....	360 00	360 00
Salary of tailor.....	360 00	360 00
Salary of plasterer and painter.....	480 00	480 00
Salary of shoemaker.....	360 00	360 00
Salary of chaplain.....	300 00	300 00
Maintenance and support, including groceries, transportation, medical stores, surgical instruments and tools, drugs and pay for managers, water, light, fuel, including mileage .....	50,000 00	50,000 00
Tailor supplies .....	200 00	200 00
Literature and amusements.....	450 00	450 00
Dry goods .....	6,000 00	6,000 00
Horses, mules, cows and hogs.....	500 00	500 00
Trees and seeds.....	250 00	250 00
Farm and grounds.....	300 00	300 00
To purchase furniture.....	1,000 00	1,000 00
Wagons, hacks and harness.....	500 00	500 00
General repairs .....	1,000 00	1,000 00
For new pumps at lake, pipe and excavating and settling tank .....	4,000 00	
Fire fighting equipment, as per estimate of State Fire Marshall S. W. English, or so much thereof as may be necessary .....	10,000 00	
For increase in laundry.....	5,000 00	
For laundry machinery.....	1,000 00	
For carpenter shop, machine shop and machinery.....	1,000 00	
For storeroom and employees' house.....	10,000 00	
To build and equip four buildings, two each year, for housing 160 patients.....	37,500 00	37,500 00
For repairing filters.....	600 00	

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
For silos .....	500 00	
Recreation building .....	2,000 00	
Total .....	\$162,300 00	\$128,500 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Epileptic Colony during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

Deaf, Dumb and Blind Institute for Colored Youths.

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Salary of Superintendent.....	\$ 1,500 00	\$ 1,500 00
Salary of principal.....	810 00	810 00
Salary of one music teacher.....	450 00	450 00
Salary of instructor in broom and mattress making...	450 00	450 00
Salary of one shoemaker.....	600 00	600 00
Salary of one seamstress and teacher.....	450 00	450 00
Salary of head laundryman.....	360 00	360 00
Salary of assistant laundryman.....	180 00	180 00
Salary of matron of dining hall.....	360 00	360 00
Salary of assistant matron of dining hall.....	225 00	225 00
Salary of night watchman.....	300 00	300 00
Salary of engineer and plumber.....	600 00	600 00
Salary of head cook.....	420 00	420 00
Salary of assistant cook.....	180 00	180 00
Salary of preceptress and nurse.....	450 00	450 00
Salary of instructor in tailoring.....	450 00	450 00
Salary of oculist.....	600 00	600 00
Salary of storekeeper and accountant.....	480 00	480 00
Salary of matron for small boys.....	225 00	225 00
Salary of matron for large boys.....	270 00	270 00
Salary of a farmer and gardener.....	300 00	300 00
Salary of gardener and laborer.....	300 00	300 00
Salary of Board of Trustees.....	300 00	300 00
Salary of three class room teachers for the blind.....	1,350 00	1,350 00
Salary of three class room teachers for the deaf.....	1,350 00	1,350 00
Transportation for indigent pupils.....	500 00	500 00
Repairs and improvements.....	1,000 00	1,000 00
For two new pianos.....	800 00	
Books .....	175 00	175 00
Equipment for steam laundry.....	1,500 00	
Stationery, postage and printing.....	150 00	150 00
Clothing for indigent pupils.....	1,000 00	1,000 00
Tools for shops and apparatus.....	150 00	150 00
Groceries and miscellaneous.....	14,000 00	14,000 00
Amusements .....	150 00	150 00
Salary of Domestic Science teacher.....	450 00	450 00
Boys' dormitory .....	30,000 00	
Water and fire protection.....	5,000 00	
Hospitals and fixtures.....	2,500 00	
Furniture .....	400 00	400 00
Traveling expenses, Superintendent.....	100 00	100 00
Total .....	\$ 70,685 00	\$ 30,885 00

Provided, that the head of said institution keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Deaf, Dumb and Blind Institute for Colored Youths during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

State Institution for the Training of Juveniles.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent, with provisions for himself and family not to exceed in value \$800 per annum.	\$ 1,800 00	\$ 1,800 00
Salary of Assistant Superintendent.....	1,200 00	1,200 00
Salary of accountant.....	1,000 00	1,000 00
Salary of engineer.....	900 00	900 00
Salary of assistant engineer.....	600 00	600 00
Salary of school principal.....	1,200 00	1,200 00
Salary of six letter teachers.....	3,960 00	3,960 00
Salary of seven trade teachers, at \$720 each.....	5,040 00	5,040 00
Salary of ten field instructors.....	6,000 00	6,000 00
Salary of one instructor in barbering.....	600 00	600 00
Salaries of five night watchmen.....	3,000 00	3,000 00
Salary of trained nurse.....	720 00	720 00
Salary of physician, to furnish own consultation.....	1,200 00	1,200 00
Salary of chaplain.....	720 00	720 00
Salary of band instructor.....	720 00	720 00
Salary of man and wife for boys' cottage.....	900 00	1,800 00
Maintenance, fuel, expenses and per diem of Board of Trustees .....	40,000 00	40,000 00
Books and school supplies.....	1,200 00	1,200 00
Postage and express.....	400 00	400 00
Medicines .....	500 00	500 00
Hospital equipment .....	750 00	750 00
Discharge and transportation.....	3,600 00	3,600 00
Farm implements .....	1,500 00	1,500 00
Engine, pump and equipment for irrigation.....	2,500 00	
Repairs to buildings, replacing burned barn, overhau- ling negro dormitory and general repairs.....	30,000 00	500 00
New dormitory building on adjoining farm, for negroes.	40,000 00	
Change present residences into cottages for boys.....	3,000 00	3,000 00
Equipment and extension of trades building.....	10,000 00	
Insurance .....	1,750 00	1,750 00
Laundry .....	3,000 00	
Total .....	\$167,760 00	\$ 83,660 00

Provided, that the head of said institution keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record of such absences shall be incorporated in the report made annually by the head of said institution.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Institution for the Training of Juveniles during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.



Provided, that the per diem of the Board of Managers shall be \$5.00 for each member of the Board for each day while actually engaged in their official duties, including time actually spent in travel, if any.

Provided, that the Board of Managers are hereby authorized to use the farm products' fund to acquire additional lands for the institution when said purchase and expenditure has been approved by the Governor.

Should the name of the State Institution for the Training of Juveniles be changed by statute, it shall not affect the above appropriation in any way, and all amounts for said institution shall be available under any such changed name, on the same terms named herein for the State Institution for the Training of Juveniles.

#### Tuberculosis Sanitarium.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Stationery, books, etc.....	\$ 200 00	\$ 200 00
Coal .....	2,200 00	3,000 00
Gasoline and oils.....	1,200 00	1,500 00
Groceries .....	13,500 00	17,700 00
Dry goods, beds and furniture.....	300 00	466 00
Drugs .....	1,200 00	1,326 00
Laundry supplies .....	300 00	400 00
Produce .....	3,600 00	5,300 00
Fresh meats .....	2,400 00	3,600 00
Feed .....	1,800 00	1,800 00
Ice .....	1,500 00	2,000 00
Dishes .....	150 00	225 00
Farming implements and tools.....	200 00	150 00
Sputum cups and disinfectants.....	1,500 00	2,500 00
Steam fittings .....	200 00	200 00
Electrical supplies .....	200 00	200 00
Hardware and kitchen cutlery.....	200 00	200 00
Alcohol .....	60 00	150 00
Plumbing supplies .....	200 00	200 00
Pay roll .....	15,939 88	17,999 88
Serums .....	200 00	200 00
Expenses and salaries.....	1,000 00	1,000 00
Telephone and telegrams.....	300 00	400 00
In case work of Austin office is transferred to Carlsbad—stenographer .....	600 00	
Two dormitories, one each year, for male and females, with capacity for 50 patients each.....	20,000 00	20,000 00
Heating buildings, electric plant, wiring and plumbing.	10,000 00	
One store house, 37x65 ft., two stories high with rooms on second story, for employes.....	6,500 00	
Surgical instruments and laboratory.....	300 00	
Addition and change in power house, including one new boiler .....	2,500 00	
For electricity and additional machinery in laundry..	1,000 00	
Septic tank for sewerage and tiling for refuse water..	2,600 00	
New dairy barn.....	2,500 00	
Equipment for additional buildings.....	3,500 00	
Two mules .....	400 00	
Total .....	\$ 98,249 88	\$ 80,716 88

#### State Lunatic Asylum.

Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per year, fuel, lights, water and housing for himself and family....	2,000 00	2,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of third assistant physician.....	1,250 00	1,250 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of fourth assistant physician.....	\$ 1,250 00	\$ 1,250 00
Salary of fifth assistant physician .....	1,250 00	1,250 00
Salary of steward, storekeeper and accountant.....	1,000 00	1,000 00
Salary of assistant storekeeper and accountant.....	600 00	600 00
Salary of stenographer .....	480 00	480 00
Salary of druggist .....	720 00	720 00
Salary of matron .....	600 00	600 00
Salary of supervisor .....	540 00	540 00
Salary of assistant supervisor .....	480 00	480 00
Salary of night supervisor .....	480 00	480 00
Salary of supervisoress .....	540 00	540 00
Salary of assistant supervisoress .....	480 00	480 00
Salary of night supervisoress .....	480 00	480 00
Salary of chaplain .....	300 00	300 00
Salary of outside supervisor and head farmer.....	600 00	600 00
Salary of chief engineer and plumber.....	1,100 00	1,100 00
Salary of first assistant engineer and electrician.....	660 00	660 00
Salary of second assistant engineer and plumber.....	600 00	600 00
Salary of third assistant engineer.....	600 00	600 00
Salary of three firemen .....	1,440 00	1,440 00
Salary of two ice men .....	840 00	840 00
Salary of carpenter .....	600 00	600 00
Salary of assistant carpenter .....	420 00	420 00
Salary of blacksmith .....	480 00	480 00
Salary of painter and plasterer.....	540 00	540 00
Salary of gardener and florist .....	480 00	480 00
Salary of butcher .....	450 00	450 00
Salary of tailor .....	480 00	480 00
Salary of shoemaker .....	400 00	400 00
Salary of dairyman .....	360 00	360 00
Salary of two assistant dairymen.....	540 00	540 00
Salary of four trained nurses .....	1,680 00	1,680 00
Salary of two nurses, tuberculosis cottages.....	840 00	840 00
Salaries of ninety-six attendants.....	23,000 00	23,000 00
Salaries of twenty-five night attendants.....	7,680 00	7,680 00
Salary of the farm hands.....	600 00	600 00
Salary of scavenger .....	300 00	300 00
Salary of six dining room assistants .....	1,080 00	1,080 00
Salary of chief cook .....	600 00	600 00
Salary of first assistant cook.....	360 00	360 00
Salary of second assistant cook .....	360 00	360 00
Salary of third assistant cook .....	320 00	320 00
Salary of nine assistant cooks .....	2,160 00	2,160 00
Salary of two cooks, tuberculosis cottages.....	720 00	720 00
Salary of baker .....	550 00	550 00
Salary of two assistant bakers.....	600 00	600 00
Salary of head laundryman or laundress.....	480 00	480 00
Salary of assistant laundryman or laundress .....	300 00	300 00
Salary of 16 laundresses .....	3,840 00	3,840 00
Salary of head seamstress .....	300 00	300 00
Salary of seven seamstresses .....	1,680 00	1,680 00
Salary of knitting machine operator .....	420 00	420 00
Salary of assistant knitting machine operator.....	240 00	240 00
Support, maintenance, groceries, fuel, lights and water, pay of board of managers, including mileage, drugs, medical stores and surgical instruments.....	185,000 00	185,000 00
Dry goods and clothing .....	36,000 00	36,000 00
Furniture and beds .....	3,000 00	3,000 00
Transportation of patients .....	1,000 00	1,000 00
Literature and amusements.....	700 00	700 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Trees and seeds .....	\$ 500 00	\$ 500 00
Farm machinery and tools .....	350 00	350 00
Engineer's and carpenter's tools .....	400 00	400 00
Horses, mules, cows and hogs.....	600 00	600 00
Bridges, culverts and grounds .....	400 00	400 00
Repairs .....	10,000 00	10,000 00
Wagons, hacks and harness .....	400 00	400 00
For purchase fire hose .....	500 00	500 00
For converting second story of old laundry into a ward and equipping same .....	3,000 00	
For enlarging boiler house and purchasing new boil- ers, and other machinery, or as much as may be necessary .....	20,000 00	
For building carpenter and blacksmith and industrial shop for patients .....	3,000 00	
For purchasing pipe to put in new pipe line to pump station at Camp Mabry .....	2,400 00	
For purchasing laundry machinery .....	3,500 00	
For purchasing underground gasoline and* kerosene tanks .....	600 00	600 00
Equipping a pathological laboratory.....	1,500 00	
For putting cement floor in store room and building wall between storeroom and engineer's shop .....	1,500 00	
For new fence around the asylum grounds.....		4,000 00
For porches for negro female department.....	4,000 00	
For repairing residence .....	1,000 00	
For purchasing two silos and ensilage cutter and car- rier .....	1,500 00	
Hospital for 75 white women, equipped.....	35,000 00	
Hospital for 100 white men, equipped.....	40,000 00	
Hospital for 100 negro men, equipped.....		40,000 00
Hospital for 100 negro women, equipped.....		40,000 00
Enlarging dining room and kitchen for negroes.....	6,000 00	
Total .....	\$435,500 00	\$396,000 00

Provided, that all fees collected from non-indigent patients treated at the Pasteur Institute may be used as directed by the Board of Managers and Superintendent, for the purposes of its proper support and operation, and that a record of all fees so collected shall be kept, and an itemized account, showing each item of expenditure made out of such fund, and a detailed account made and included in an annual report of the hospital to the Governor.

Provided, that the Board of Managers of the State Lunatic Asylum may use \$500 from the fees arising from treatment of the Pasteur Institute to supplement and increase salaries of the assistant physicians who do the Pasteur work.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Lunatic Asylum during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation, or on leave of absence, and that such record of the absences be incorporated in the report made annually by the head of said institution.

#### Southwestern Insane Asylum.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent, provided he shall receive pro- visions not to exceed in value \$500 per year, fuel, lights, water and housing for himself and family...	2,000 00	2,000 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of first assistant physician.....	\$ 1,250 00	\$ 1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of third assistant physician.....	1,250 00	1,250 00
Salary of storekeeper and accountant.....	900 00	900 00
Salary of assistant storekeeper and accountant and stenographer .....	600 00	600 00
Salary of druggist.....	720 00	720 00
Salary of matron.....	600 00	600 00
Salary of supervisoress.....	480 00	480 00
Salary of assistant supervisoress.....	420 00	420 00
Salary of supervisor.....	480 00	480 00
Salary of assistant supervisor.....	420 00	420 00
Salary of outside supervisor and head farmer.....	550 00	550 00
Salary of chief engineer.....	1,100 00	1,100 00
Salary of assistant engineer and electrician.....	550 00	550 00
Salary of assistant engineer and plumber.....	550 00	550 00
Salaries of three firemen.....	1,080 00	1,080 00
Salary of ice factory engineer.....	360 00	360 00
Salary of gardener and florist.....	320 00	320 00
Salary of assistant gardener.....	300 00	300 00
Salary of chaplain.....	300 00	300 00
Salary of chief cook and dietitian.....	720 00	720 00
Salaries of five assistant cooks in main kitchen.....	1,500 00	1,500 00
Salary of one cook for officers' kitchen.....	360 00	360 00
Salary of special cook for male hospital.....	420 00	420 00
Salary of special cook for female hospital.....	420 00	420 00
Salary of special cook for male tubercular cottage....	300 00	300 00
Salary for special cook for female tubercular cottage...	300 00	300 00
Salary of baker.....	480 00	480 00
Salary of assistant baker.....	240 00	240 00
Salary of carpenter.....	720 00	720 00
Salary of barber.....	300 00	300 00
Salary of assistant barber.....	240 00	240 00
Salary of mattress maker.....	360 00	360 00
Salary of blacksmith.....	400 00	400 00
Salary of painter and plasterer.....	480 00	480 00
Salary of tailor or tailoress.....	400 00	400 00
Salary of shoemaker.....	360 00	360 00
Salaries of four housekeepers.....	960 00	960 00
Salaries of four farm hands.....	960 00	960 00
Salary of hostler.....	300 00	300 00
Salary of scavenger.....	240 00	240 00
Salaries of twelve night watchmen for eighteen wards containing 960 patients.....	4,320 00	4,320 00
Salaries for two trained night nurses for female hospital .....	720 00	720 00
Salaries of two trained night nurses for male hospital .....	720 00	720 00
Salary of one trained night nurse for tubercular cottage for females .....	360 00	360 00
Salary of one trained night nurse for tubercular cottage for males .....	360 00	360 00
Salaries of two outside watchmen.....	720 00	720 00
Salaries of seventy attendants, one attendant for sixteen patients .....	21,000 00	21,000 00
Salaries of two special trained day attendants for convalescent cases, one man and one woman.....	720 00	720 00
Salaries for two trained day nurses for female hospital .....	840 00	840 00
Salaries for two trained day nurses for male hospital..	840 00	840 00
Salary of one trained day nurse for female tubercular cottage .....	420 00	420 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of one trained day nurse for male tubercular cottage .....	\$ 420 00	\$ 420 00
Salary of head laundress or laundryman.....	300 00	300 00
Salaries of seven laundresses.....	1,680 00	1,680 00
Salary of head seamstress.....	300 00	300 00
Salaries of six seamstresses.....	1,440 00	1,440 00
Salary of dairyman.....	360 00	360 00
Salary of assistant dairyman.....	270 00	270 00
Salary of butcher.....	450 00	450 00
Salary of poultryman.....	300 00	300 00
Support, maintenance, groceries, fuel, lights and water, pay of Board of Managers, including mileage, drugs, medical stores, and surgical instruments.....	115,000 00	115,000 00
Dry goods and clothing.....	20,000 00	20,000 00
Transportation of patients.....	750 00	750 00
Literature and amusements.....	750 00	750 00
Cows, horses, mules and hogs.....	500 00	500 00
Wagons, hacks and harness.....	300 00	300 00
Trees, seeds, farm machinery and tools.....	500 00	500 00
Bridges, culverts, fencing and grounds.....	500 00	500 00
Engineer's and carpenter's tools.....	150 00	150 00
General repairs and paintings, extraordinary repairs on buildings, painting outside iron and woodwork and galleries of old buildings.....	9,300 00	5,300 00
Furniture and beds.....	1,700 00	1,700 00
Laundry machinery and repairs.....	500 00	500 00
Fire department .....	250 00	250 00
Remodel and repair old female infirmary.....	1,000 00	1,000 00
Enlarging baker shop and installing one bake oven (new) .....	2,500 00	
To erect 2 lavatory buildings for old wards.....	12,000 00	
Extraordinary repairs to administration buildings....	10,000 00	
Removing and rebuilding fuel oil storage depot.....	2,500 00	
To erect and equip one hospital building to accommodate 100 acutely insane sick women.....	50,000 00	
To erect and equip buildings to accommodate 400 patients; also to enlarge heating and power plant, and laundry, kitchen, employes' quarters, as may be required .....		225,000 00
Total .....	\$291,160 00	\$434,160 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Southwestern Insane Asylum during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said institution keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation or on leave of absence, and that such record of the absences be incorporated in the report made annually by the head of said institution.

#### North Texas Hospital for the Insane.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent, with provisions for himself and family, not to exceed in value \$500 per year, fuel, lights, water and housing.....	2,000 00	2,000 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Support, maintenance, groceries and fuel, lights and water, pay of Board of Managers, including mileage, drugs, medical stores and surgical instruments.....	\$200,000 00	\$200,000 00
Dry goods and clothing.....	32,000 00	32,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of third assistant physician.....	1,250 00	1,250 00
Salary of fourth assistant physician.....	1,250 00	1,250 00
Salary of fifth assistant physician.....	1,250 00	1,250 00
Salary of storekeeper and accountant.....	1,200 00	1,200 00
Salary of assistant storekeeper and accountant.....	600 00	600 00
Salary of druggist.....	720 00	720 00
Salary of matron.....	600 00	600 00
Salaries of two supervisors.....	1,200 00	1,200 00
Salary of outside supervisor and head farmer.....	600 00	600 00
Salaries of two supervisoresses.....	960 00	960 00
Salary of chief engineer.....	1,100 00	1,100 00
Salary of assistant engineer and electrician.....	600 00	600 00
Salary of night engineer.....	600 00	600 00
Salary of plumber.....	600 00	600 00
Salary of assistant plumber.....	480 00	480 00
Salaries of six firemen.....	2,520 00	2,520 00
Salary of gardener and florist.....	320 00	320 00
Salary of chaplain.....	300 00	300 00
Salary of chief cook.....	600 00	600 00
Salary of assistant cook.....	360 00	360 00
Salaries of eight under-cooks.....	1,920 00	1,920 00
Salary of baker.....	600 00	600 00
Salaries of two assistant bakers.....	540 00	540 00
Salary of carpenter.....	600 00	600 00
Salary of assistant carpenter.....	480 00	480 00
Salary of blacksmith.....	400 00	400 00
Salary of plasterer.....	720 00	720 00
Salary of assistant plasterer.....	420 00	420 00
Salary of painter.....	480 00	480 00
Salary of assistant painter.....	360 00	360 00
Salary of tailor or tailoress.....	400 00	400 00
Salary of shoemaker.....	400 00	400 00
Salaries of five dining room girls.....	1,080 00	1,080 00
Salaries of twenty night attendants.....	6,000 00	6,000 00
Salaries of six farm hands.....	1,260 00	1,260 00
Salary of head laundryman or laundress.....	480 00	480 00
Salary of assistant laundryman or laundress.....	300 00	300 00
Salaries of thirteen laundresses.....	3,120 00	3,120 00
Salaries of four trained nurses.....	1,680 00	1,680 00
Salary of head seamstress.....	300 00	300 00
Salaries of two outside watchmen.....	840 00	840 00
Salaries of ten seamstresses.....	2,400 00	2,400 00
Salary of mattress maker.....	360 00	360 00
Salaries of 115 attendants.....	34,500 00	34,500 00
Salary of dairyman.....	420 00	420 00
Salaries of three assistant dairymen.....	720 00	720 00
Salary of butcher.....	450 00	450 00
Salary of scavenger.....	300 00	300 00
Transportation.....	800 00	800 00
For dental work.....	1,000 00	1,000 00
Furniture and beds.....	3,500 00	3,500 00
General repairs and painting.....	15,000 00	15,000 00
Literature and amusement.....	800 00	800 00
Fire department.....	800 00	800 00



	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Trees and seeds .....	\$ 400 00	\$ 400 00
Horses, mules, cows and hogs .....	500 00	500 00
Engineer's and carpenter's tools.....	500 00	500 00
Bridges, culverts and grounds .....	500 00	500 00
Laundry machinery and repairs.....	750 00	750 00
Fencing .....	250 00	250 00
Wagons, hacks and harness .....	300 00	300 00
Mowers, plows and farm tools .....	300 00	300 00
To erect and equip two buildings complete for consump- tive patients, one each year .....	37,500 00	37,500 00
Total .....	\$378,040 00	\$378,040 00

Provided, that all buildings to be erected under and by virtue of the appropriations herein made, shall be of fireproof construction and all plans and specifications for the erection of fire protection shall be subject to the approval of the State Fire Insurance Commission.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absence be incorporated in the report made annually by the head of said institution.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the North Texas Hospital for the Insane during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and, provided further, that no deficiency shall be created nor shall any warrants be issued or obligation incurred in excess of the amounts herein appropriated.

Provided, that all equipment and furnishing for new buildings, additions and improvements to old buildings and for installation of fire protection, for which appropriations are made herein, and supplies for the State Juvenile Training School at Gatesville shall be purchased by the State Purchasing Agent in accordance with the provisions of Chapter 1, Title 125, of the Revised Statutes of 1911.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
State Orphan Home .....	\$ 80,055 00	\$ 57,380 00
Confederate Home .....	96,770 00	93,420 00
Confederate Woman's Home .....	16,855 00	16,480 00
Blind Institute .....	261,390 00	83,865 00
Deaf and Dumb Institute .....	169,000 00	144,450 00
Epileptic Colony .....	162,300 00	128,500 00
Deaf, Dumb and Blind Institute for Colored Youths	70,685 00	30,885 00
State Institute for Training Juveniles.....	167,760 00	83,660 00
Tuberculosis Sanitarium .....	98,249 88	80,716 88
State Lunatic Asylum .....	435,500 00	396,000 00
Southwestern Insane Asylum .....	291,160 00	434,160 00
North Texas Hospital for Insane.....	378,040 00	378,040 00
Total .....	\$2,227,764 88	\$1,927,556 88

State Training School for Girls.

Salary of Superintendent.....	\$ 1,200 00
Salary of five matrons, \$600 each.....	3,000 00
Salary of principal.....	900 00
Salary of three industrial and literary teachers, \$720 each .....	2,160 00

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Salary of graduate nurse instructor.....	\$	900 00
Salary of garden instructor.....		480 00
Maintenance and per diem and traveling and other ex- penses of Board, or so much thereof as may be neces- sary .....		7,500 00
Express, postage and stationery.....		100 00
Discharge and transportation.....		250 00
Total .....	\$	16,490 00

None of the above appropriations shall be available until Section 11, of Chapter 144, of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas shall have been complied with, and then only so much thereof as may be necessary. The salary of all employes to be paid monthly and none to begin until Section 11, of Chapter 144, above referred to, is complied with.  
Adopted.

W. R. LONG,  
Chief Clerk, House of Representatives.

Amend the caption of House bill No. 24 by adding thereto the State Training School for Girls after the North Texas Hospital for the Insane.  
Adopted.

W. R. LONG,  
Chief Clerk, House of Representatives.

#### COMMITTEE REPORT.

Committee Room,  
Austin, Texas, August 11, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Finance Committee, to whom was referred House bill No. 24, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendments: Strike out all after the enacting clause and insert the following and the same be printed in the Journal.

WILLACY, Chairman.

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the salaries of officers and employes and other expenses necessary for the support and maintenance of certain eleemosynary institutions of the State from September 1, 1913, to August 31, 1915, as follows, to wit:

#### State Orphans' Home.

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Salary of Superintendent, with provisions for himself and family not to exceed \$500 per annum, and fuel, lights, laundry, water and housing.....	\$ 1,800 00	\$ 1,800 00
Salary of principal of school, with board for nine months	810 00	810 00
Salary of chaplain to act as teacher during school time in connection with his duties as chaplain.....	720 00	720 00
Salary of teacher of English and Latin.....	540 00	540 00
Salary of teacher of history and civics.....	540 00	540 00
Salary of teacher of music, vocal and instrumental...	540 00	540 00
Salary of teacher of commercial course.....	540 00	540 00
Salary of two primary teachers at \$45 per month each	810 00	810 00
Salary of one grade teacher at \$45 per month.....	405 00	405 00
Salary of instructor in cooking, sewing, and manual training .....	1,000 00	1,000 00
Salary of head matron.....	540 00	540 00
Salary of one assistant matron and four ward matrons	1,500 00	1,500 00
Salary of chief cook.....	500 00	500 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of two assistant cooks.....	\$ 600 00	\$ 600 00
Salary of stewardess.....	240 00	240 00
Salary of head laundress.....	300 00	300 00
Salary of one assistant laundress.....	240 00	240 00
Salary of industrial manager.....	1,200 00	1,200 00
Salary of farm laborers and gardener.....	600 00	600 00
Salary of night watchman.....	420 00	420 00
Salary of physician not to live at the Home.....	600 00	600 00
Salary of trained nurse in hospital.....	720 00	720 00
Salary of engineer, electrician and plumber.....	900 00	900 00
Shoe and harness repairing.....	420 00	420 00
Salary of instructor in broom and mattress factory....	660 00	660 00
Salary of carpenter and blacksmith.....	660 00	660 00
Salary of three seamstresses.....	720 00	720 00
Salary of storekeeper and accountant.....	900 00	900 00
Salary of band instruction.....	300 00	300 00
Material, supplies and machinery for broom and mat- tress factory .....	400 00	400 00
General repairing for powerhouse.....	250 00	250 00
Rebuilding and repairing electric lines.....	2,000 00	500 00
Installing storage batteries for lighting purposes and dormitories .....	500 00	500 00
Repairing heating lines.....	150 00	150 00
Sewer and plumbing.....	250 00	250 00
Material for heating and light plant.....	300 00	300 00
Fuel .....	5,000 00	5,000 00
Postage and stationery.....	200 00	200 00
School supplies, books, crayon, tablets, pencils, furni- ture, etc. ....	600 00	600 00
Transportation .....	250 00	250 00
Telephone rent .....	100 00	100 00
Purchasing mules, horses, vehicles and farm implements	600 00	300 00
General maintenance .....	30,000 00	30,000 00
Improving grounds and driveways.....	300 00	300 00
Stock and forest trees.....	75 00	75 00
For the construction and furnishing of toilet and bath- room to be 18x18 feet, equipped with 5 comodes and 3 bath tubs, building to be of brick with concrete floor and metal roof.....	1,200 00	
For the construction, equipping and installing apparatus in manual training, domestic science, domestic art and commercial building .....	15,000 00	
Total .....	\$ 76,900 00	\$ 58,900 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Orphans' Home during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrant be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the interest on all securities held by the Orphan Asylum fund is hereby appropriated in part payment of the appropriation of the State Orphans' Home, the remainder of the appropriation to be paid out of the general revenue.

Provided, that all proceeds of sale of all products raised or manufactured at the State Orphans' Home shall be turned into the State Treasury.

Confederate Home.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent, with provisions for himself and family, not to exceed \$500 per annum, and fuel, light, water and housing.....	\$ 2,000 00	\$ 2,000 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Support and maintenance, groceries, fuel, lights, water, feed, including pay for monthly pay for board of trustees, burial of the dead and compensation of chaplain .....	\$ 55,000 00	\$ 55,000 00
Salary of surgeon.....	1,500 00	1,500 00
For treatment of ear, eye and nose.....	300 00	300 00
Salary of storekeeper and accountant, who shall be book-keeper .....	900 00	900 00
Salary of matron.....	480 00	480 00
Salary of apothecary.....	780 00	780 00
Salary of chief cook.....	600 00	600 00
Salary of baker.....	480 00	480 00
Salary of two assistant cooks at \$240 each.....	480 00	480 00
Salary of head waiter.....	300 00	300 00
Salary of ten waiters at \$180 each.....	1,800 00	1,800 00
Salary of chief cook at hospital.....	600 00	600 00
Salary of assistant cook at hospital.....	240 00	240 00
Salary of stewardess at hospital.....	480 00	480 00
Salary of two trained nurses.....	1,200 00	1,200 00
Salaries of five male nurses.....	1,440 00	1,440 00
Salaries of two night nurses.....	720 00	720 00
Salaries of three hospital waiters.....	540 00	540 00
Salary of one scrubber.....	180 00	180 00
Salary of barber.....	360 00	360 00
Salary of one head laundryman.....	480 00	480 00
Salaries of six laundresses.....	1,080 00	1,080 00
Salary of carpenter and plumber.....	600 00	600 00
Salary of seamstress.....	480 00	480 00
Salary of one yard man.....	240 00	240 00
To pay hostler, postmaster, wood chopper, day and night guard .....	850 00	850 00
Salary of driver of delivery wagon.....	300 00	300 00
Shoe repairing .....	400 00	400 00
Furniture and beds.....	600 00	600 00
Dry goods and clothing.....	11,000 00	11,000 00
Transportation .....	200 00	200 00
Repairs and painting.....	800 00	800 00
Books, periodicals, newspapers and postage.....	550 00	550 00
Improvements of grounds, to be expended under the supervision of the Superintendent.....	600 00	600 00
Medicine, instruments and hospital supplies.....	2,500 00	2,500 00
Kitchen, dining room and laundry supplies.....	600 00	600 00
For dental work.....	300 00	300 00
Notions .....	200 00	200 00
Salary of secretary, who shall be stenographer to Superintendent .....	740 00	740 00
For repairs, painting, papering, etc.....	3,000 00	
One surrey .....	125 00	
One delivery wagon.....	75 00	
One horse or mule.....	150 00	
<b>Total .....</b>	<b>\$ 96,250 00</b>	<b>\$ 92,000 00</b>

The foregoing appropriations are made for the maintenance and support of the Confederate Home during the fiscal years beginning September 1, 1913, and ending August 31, 1915, to be paid out of revenues derived from the special ad valorem tax of five cents on the one hundred dollars levied by Chapter 141, Acts of the Regular Session of the Thirty-third Legislature.

Provided, that the Board of Managers are hereby authorized to sell such articles of clothing, hats, shoes, queensware, dry goods and supplies as are of no use to the Home and apply the proceeds to the needs of said Home.

Provided, that the head of said institution keep a record of the absences of

the various employes, whether from sickness, vacation or on leave of absence, and that said record of such absence be incorporated in the report made annually by the head of said institution.

Confederate Woman's Home.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Maintenance and support—groceries, drugs, clothing, laundry house washing, dairy, meat market, vegetables, coal, wood, gas, electric lights and water.....	\$ 12,000 00	\$ 12,000 00
Cook .....	360 00	360 00
Salary of janitor and yardman.....	480 00	480 00
Salary of night watchman.....	480 00	480 00
Salary of two attendants.....	480 00	480 00
Salaries of two dining room waiters, who shall also assist with kitchen work.....	480 00	480 00
Salary of trained nurse, to be called at discretion of the Superintendent .....	600 00	600 00
Salary of Superintendent.....	1,200 00	1,200 00
General repairs and plumbing.....	400 00	400 00
Improvements .....	375 00	
Incidentals .....	150 00	150 00
Total .....	\$ 17,005 00	\$ 16,630 00

Provided, that the foregoing appropriations are made for the maintenance and support of the Confederate Woman's Home during the fiscal years beginning September 1, 1913, and ending August 31, 1915, to be paid out of revenues derived from the special ad valorem tax of five cents on the one hundred dollars levied by Chapter 141, Acts of the Regular Session of the Thirty-third Legislature.

Blind Institute.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per annum, fuel, light, laundry, water and housing for himself and family .....	\$ 2,000 00	\$ 2,000 00
Salary of oculist.....	900 00	900 00
Salary of medical attendant.....	600 00	600 00
Salary of storekeeper and accountant, without board..	1,200 00	1,200 00
Salary of matron, eleven months, with board.....	550 00	550 00
Salary of second matron, ten months, with board.....	500 00	500 00
Salary of principal.....	1,400 00	1,400 00
Salaries of three high school teachers.....	2,700 00	2,700 00
Salary of eighth grade teacher.....	675 00	675 00
Salary of seventh grade teacher.....	675 00	675 00
Salary of sixth grade teacher.....	675 00	675 00
Salary of fifth grade teacher.....	675 00	675 00
Salary of fourth grade teacher.....	675 00	675 00
Salary of third grade teacher.....	765 00	765 00
Salary of second grade teacher.....	810 00	810 00
Salary of first grade and kindergarten teacher.....	900 00	900 00
Salary of kindergarten assistant.....	540 00	540 00
Teacher of typewriting and telegraphy.....	675 00	675 00
Salary of teacher of pipe organ, piano and harmony..	810 00	810 00
Salary of teacher of orchestral instruments.....	810 00	810 00
Salary of piano, mandolin and guitar teacher.....	765 00	765 00
Salary of teacher of vocal music.....	675 00	675 00
Salary of teacher of piano tuning and repairing and keeping all pianos in tune and repair.....	675 00	675 00
Salary of teacher of piano and music reader.....	675 00	675 00
Salary of teacher of piano and music reader.....	675 00	675 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of assistant teacher of orchestral instruments and piano .....	\$ 675 00	\$ 675 00
Salary of violin teacher.....	540 00	540 00
Salary of director of girls' industrial department.....	675 00	675 00
Salary of assistant teacher of girls' industrial department, without board.....	360 00	360 00
Salary of director of boys' industrial department, ten months, without board.....	720 00	720 00
Salary of teacher of boys' industrial department, without board .....	550 00	550 00
Salary of trained nurse for girls, nine months, with board .....	540 00	540 00
Salary of trained nurse for boys, nine months, with board .....	540 00	540 00
Salary of physical director of girls .....	540 00	540 00
Salary of physical director of boys .....	540 00	540 00
Salaries of all teachers, not otherwise specified, are for nine months and without board, except those who may be assigned to do dormitory duties and other resident work; provided, the superintendent in his report shall give the name of every teacher who thus gets board; and, provided further, the teacher appointed chief monitress shall receive \$5.00 per month additional salary .....	45 00	45 00
Salaries of two seamstresses nine months and one seamstress three months with day board.....	630 00	630 00
Salary of housemother for little girls, nine months with board .....	315 00	315 00
Salary for housemother for little boys, nine months, with board .....	315 00	315 00
Salary of housekeeper for large boys, nine months with board .....	315 00	315 00
Salary of supervisor of dining room, study hall, showing visitors around and doing dormitory duty, nine months, with board .....	450 00	450 00
Salary of night watchman, 12 months without board..	600 00	600 00
Salary of engineer, electrician and plumber, 12 months, with day board .....	900 00	900 00
Salary of assistant engineer, electrician and plumber, ten months, with board .....	500 00	500 00
Salary of second assistant engineer five months, with board .....	150 00	150 00
Salary of yardman 12 months with board.....	360 00	360 00
Salary of assistant yard man and hostler, 12 months, with board .....	360 00	360 00
Salary of janitor of school building, nine months with board .....	270 00	270 00
Salary of office assistant and stenographer.....	480 00	480 00
Salary of carpenter and painter twelve months, with day board .....	480 00	480 00
Salaries of one baker and five cooks, nine months, with board .....	1,665 00	1,665 00
Salaries of five dining room girls nine months, with board .....	900 00	900 00
Salaries of four chambermaids, nine months, with board .....	720 00	720 00
Salary of head laundress, twelve months, with board..	360 00	360 00
Salaries of five assistant laundresses, nine months, with board .....	900 00	900 00
Salary of one cook three summer months, with board...	90 00	90 00
Salary of one chambermaid three summer months, with board .....	60 00	60 00



	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of six trustees, payable monthly.....	\$ 360 00	\$ 360 00
Transportation for indigent pupils.....	1,500 00	1,600 00
Dry goods and clothing for indigent pupils .....	2,000 00	2,000 00
Fuel .....	4,000 00	4,000 00
Water, electric lighting and power .....	1,800 00	1,800 00
To purchase pianos, music in ordinary and point print, dissected maps, globes, apparatus for school, kindergarten materials, school furniture, and the superintendent is authorized to sell or exchange the old pianos now in the Institute at such price as he may be able to get for them.....	2,000 00	2,000 00
General repairs to buildings and grounds, painting buildings and fences, mending and extending concrete walks, enameling iron beds and bathtubs, repairing and upholstering furniture .....	2,700 00	2,700 00
For stamps, stationery, copybooks, telephone rent, telephoning and telegraphing .....	600 00	600 00
Maintenance of girls' industrial department, materials, machines and other supplies .....	800 00	800 00
Maintenance of boys' industrial department.....	3,000 00	3,000 00
Groceries, provisions, supplies, printing, medicines, supplies for oculist, contingent and miscellaneous expenses .....	25,000 00	25,000 00
To purchase swings, graphophones and records, and to provide for other forms of amusements and exercise for the children.....	250 00	250 00
Furniture, furnishings, floor coverings, dining room and kitchen belongings, shower baths, bathtubs, toilet and toilet supplies, and electric, steam heating and plumbing supplies .....	1,800 00	1,800 00
To purchase two horses .....	400 00	
For remodeling and making fireproof the old buildings	78,000 00	
To add third story to old buildings.....	21,000 00	
For iron and concrete porches and galleries.....	12,000 00	
For electric wiring .....	3,100 00	
For plumbing .....	6,100 00	
For replacing entire heating system.....	14,700 00	
New power house and laundry .....	12,000 00	
New boiler and moving and resetting old ones.....	3,500 00	
For changing old power house into hospital and equipping .....	8,500 00	
One mangle for laundry .....	1,000 00	
Sewer with all connections .....	1,100 00	
Extending the underground conduit .....	1,000 00	
For an electric motor .....	225 00	
To purchase additional grounds .....	15,000 00	
Total .....	\$261,980 00	\$ 84,455 00

Provided, that the interest on all securities held by the Blind Institute Fund is hereby appropriated in part payment of the appropriation of the Blind Institute, the remainder of the appropriation to be paid out of the general revenue.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Blind Institute during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and, provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said institution.

## Deaf and Dumb Institute.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per year, fuel, water and housing for himself and family.....\$	2,000 00	\$ 2,000 00
Salary of principal, without board.....	1,500 00	1,500 00
Salary of first teacher, without board.....	1,150 00	1,150 00
Salary of second teacher, without board.....	1,150 00	1,150 00
Salary of third teacher, without board.....	1,000 00	1,000 00
Salary of fourth teacher, without board.....	900 00	900 00
Salary of fifth teacher, without board.....	800 00	800 00
Salary of sixth teacher, without board.....	720 00	720 00
Salary of seventh teacher, without board.....	720 00	720 00
Salary of eighth teacher, without board.....	720 00	720 00
Salary of ninth teacher, without board.....	720 00	720 00
Salary of tenth teacher, without board.....	720 00	720 00
Salary of eleventh teacher, without board.....	720 00	720 00
Salary of twelfth teacher, without board.....	660 00	660 00
Salary of thirteenth teacher, without board.....	660 00	660 00
Salary of first oral teacher, without board.....	1,000 00	1,000 00
Salary of second oral teacher, without board.....	900 00	900 00
Salary of third oral teacher, without board.....	900 00	900 00
Salary of fourth oral teacher, without board.....	800 00	800 00
Salary of fifth oral teacher, without board.....	800 00	800 00
Salary of sixth oral teacher, without board.....	800 00	800 00
Salary of seventh oral teacher, without board.....	780 00	780 00
Salary of eighth oral teacher, without board.....	780 00	780 00
Salary of ninth oral teacher, without board.....	720 00	720 00
Salary of tenth oral teacher, without board.....	720 00	720 00
Salary of eleventh oral teacher, without board.....	720 00	720 00
Salary of twelfth oral teacher, without board.....	660 00	660 00
Salary of thirteenth oral teacher, without board.....	660 00	660 00
Salary of fourteenth oral teacher, without board.....	660 00	660 00
Salary of fifteenth oral teacher, without board.....	660 00	660 00
Salary of seventeenth oral teacher, without board.....	600 00	600 00
Salary of eighteenth oral teacher, without board.....	600 00	600 00
Salary of art teacher, without board.....	720 00	720 00
Salary of instructor in printing, without board.....	720 00	720 00
Salary of instructor in shoemaking, without board.....	720 00	720 00
Salary of instructor in carpentry, without board.....	720 00	720 00
Salary of instructor in tailoring, without board.....	720 00	720 00
Salary of instructor in sewing, without board.....	540 00	540 00
Salary of instructor in painting, without board.....	720 00	720 00
Salary of storekeeper and accountant.....	900 00	900 00
Salary of stenographer and assistant storekeeper and accountant, with board.....	600 00	600 00
Salary of matron, with board.....	480 00	480 00
Salary of housekeeper, with board.....	550 00	550 00
Salary of supervisor, with board.....	480 00	480 00
Salary of assistant supervisor, with board.....	480 00	480 00
Salaries of two supervisors for small boys, with board .....	800 00	800 00
Salaries of two supervisors for girls, with board..	800 00	800 00
Salary of night watchman, without board.....	600 00	600 00
Salary of engineer, electrician and plumber, with board	900 00	900 00
Salary of assistant engineer and plumber, with board..	600 00	600 00
Salaries of two trained nurses, with board... ..	960 00	960 00
Salary of one night supervisors and seamstress, with board .....	400 00	400 00
Salary of gardener, with board.....	300 00	300 00
Salary of two laborers, with board.....	540 00	540 00
Salary of one laborer, without board.....	360 00	360 00
Salary of foreman of laundry, with board.....	500 00	500 00
Salaries of seven laundresses, with board.....	1,400 00	1,400 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of baker, with board.....	\$ 600 00	\$ 600 00
Salary of chief cook, with board.....	480 00	480 00
Salary of one assistant cook for twelve months, with board .....	360 00	360 00
Salary of two assistant cooks for ten months, with board .....	500 00	500 00
Salaries of two chambermaids, with board.....	480 00	480 00
Salaries of seven dining room girls, with board.....	1,260 00	1,260 00
Salaries of two dining room girls for three months....	120 00	120 00
Maintenance supplies and provisions.....	45,000 00	45,000 00
Water, light and power.....	3,600 00	3,600 00
Furniture, iron beds and furnishings.....	1,500 00	1,500 00
Clothing and transportation of indigents.....	3,600 00	3,600 00
Art material .....	250 00	250 00
Salaries of Board of Trustees (6).....	360 00	360 00
Dry goods and blankets.....	2,000 00	2,000 00
Medical attention and dentistry.....	1,500 00	1,500 00
Literary and school supplies.....	800 00	800 00
Equipment and supplies for millinery and domestic science .....	500 00	500 00
Harness and tools.....	100 00	100 00
Repairs to buildings and grounds.....	2,000 00	2,000 00
For care, maintenance and education of the deaf blind..	2,000 00	2,000 00
Laundry machinery and repairs to the same.....	200 00	200 00
Picture films and amusements.....	500 00	500 00
New buildings for girls' dormitories and detention room for contagious diseases.....	30,000 00	
Addition to boys' dormitories.....	20,000 00	
Additional appropriation needed to equip new girls and boys' dormitories—beds, mattresses, blankets.....		2,500 00
Steel lockers .....		1,500 00
Wiring, plumbing, lighting and heating same.....		2,000 00
Tearing down rotten front porch (4 stories) and replacing with one-story stone structure.....		2,000 00
Erecting two-story brick storeroom in place of present dangerous wooden structure.....		7,000 00
Rewiring entire institution.....		2,000 00
Two new boilers and installing same.....		8,000 00
To provide ventilation for girls' toilet and bath, renew floors in girls' dormitories, to provide apparatus for little children's playgrounds, and to purchase new sewing machines .....		1,000 00
For screening all upper galleries and windows, with iron grating to protect children from falling.....	1,200 00	
For two fire escapes for school building.....	2,500 00	
For fireproof steel lockers for dormitories to replace present out of date and worn out ones which are fire traps .....		2,500 00
Painting iron roofs of all buildings (second year).....		750 00
Insurance of all institution buildings.....	1,500 00	
Instructors needed for new departments instituted, etc.—		
Teacher of bookkeeping and typewriting, without board	720 00	720 00
Teacher of domestic science, with board.....	500 00	500 00
Physical director and instructor in gymnasium work and physical culture, without board.....	720 00	720 00
Equipping dental office and barber shop.....		500 00
Equipping gymnasium and heating, lighting and plumbing for same .....		4,000 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

One janitor, who shall also serve as supervisor of boys on third floor of dormitory.....	\$ 480 00	\$ 480 00
One supervisorsess of girls, who shall have charge of girls in new dormitory (second year).....		400 00
Total .....	\$168,740 00	\$147,690 00

Provided, that the interest on all securities held by the Deaf and Dumb Institute funds are hereby appropriated, the remainder to be paid out of the genral revenue; and, provided further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Deaf and Dumb Institute during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and, provided, further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said institution keep a record of the absences of the various employes and the reason therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

#### Epileptic Colony.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of superintendent, provided he shall receive pro- visions not to exceed \$500 per year, and fuel, lights, water and housing for himself and family.....	\$ 2,000 00	\$ 2,000 00
Salary of first assistant physician .....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of druggist and stenographer.....	720 00	720 00
Salary of storekeeper and accountant.....	900 00	900 00
Salary of matron .....	600 00	600 00
Salary of supervisorsess .....	480 00	480 00
Salary of supervisor .....	600 00	600 00
Salary of engineer .....	1,100 00	1,100 00
Salary of assistant engineer and electrician .....	600 00	600 00
Salary of assistant engineer and plumber.....	600 00	600 00
Salaries of three firemen .....	1,080 00	1,080 00
Salary of laundryman or laundress .....	420 00	420 00
Salaries of four laundresses .....	960 00	960 00
Salary of head seamstress .....	300 00	300 00
Salaries of three seamstresses .....	720 00	720 00
Salaries of four dining room girls .....	960 00	960 00
Salaries of 28 day and night attendants.....	8,400 00	8,400 00
Salary of outside nightwatch .....	360 00	360 00
Salaries of two skilled nurses .....	840 00	840 00
Salary of head farmer.....	480 00	480 00
Salary of gardener .....	360 00	360 00
Salaries of two farm hands .....	480 00	480 00
Salary of dairyman .....	300 00	300 00
Salaries of nine cooks .....	2,700 00	2,700 00
Salary of carpenter: .....	480 00	480 00
Salary of baker .....	360 00	360 00
Salary of tailor .....	360 00	360 00
Salary of plasterer and painter .....	480 00	480 00
Salary of shoemaker .....	360 00	360 00
Salary of chaplain .....	300 00	300 00
Maintenance and support, including groceries, trans- portation, medical stores, surgical instruments and tools, drugs and pay of managers, water, light, fuel, including mileage .....	50,000 00	50,000 00
Tailor supplies .....	200 00	200 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Literature and amusements.....	\$ 450 00	\$ 450 00
Dry goods .....	6,000 00	6,000 00
Horses, mules, cows and hogs.....	500 00	500 00
Trees and seeds .....	250 00	250 00
Farm and grounds .....	300 00	300 00
To purchase furniture .....	1,000 00	1,000 00
Wagons, hacks and harness .....	500 00	500 00
General repairs .....	1,000 00	1,500 00
For new pumps at lake, pipe and excavating and settling tank .....	4,000 00	
Fire fighting equipment, as per estimate of State Fire Marshal, S. W. English, or so much thereof as may be necessary ..	10,000 00	
For increase in laundry .....	5,000 00	
For laundry machinery .....	1,000 00	
For carpenter shop, machine shop and machinery.....	1,000 00	
For store room and employes' house.....	10,000 00	
To build and equip four buildings, two each year, for housing 160 patients .....	37,500 00	37,500 00
For repairing filters .....	600 00	
For silos .....	500 00	
Recreation building and pavilion .....	4,000 00	
In the event the additional cottages are allowed, the following appropriations are hereby made:		
Maintenance and support on second year.....		10,000 00
Six day and night attendants on second year.....		1,800 00
Two cooks on second year .....		600 00
Total .....	\$164,660 00	\$141,400 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Epileptic Colony during the fiscal years beginning September 1, 1913, and ending August 31, 1915. and no surplus shall be diverted from one account to another account; and, provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

#### Deaf, Dumb and Blind Institute for Colored Youths.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent.....	\$ 1,500 00	\$ 1,500 00
Salary of principal.....	810 00	810 00
Salary of one music teacher .....	450 00	450 00
Salary of instructor in broom and mattress making....	450 00	450 00
Salary of one shoemaker .....	450 00	450 00
Salary of one seamstress and teacher.....	450 00	450 00
Salary of one head laundryman .....	360 00	360 00
Salary of assistant laundryman .....	180 00	180 00
Salary of matron of dining hall .....	360 00	360 00
Salary of assistant matron of dining hall.....	225 00	225 00
Salary of engineer and plumber .....	600 00	600 00
Salary of head cook .....	420 00	420 00
Salary of assistant cook .....	180 00	180 00
Salary of preceptress and nurse .....	450 00	450 00
Salary of instructor in tailoring .....	450 00	450 00
Salary of oculist.....	600 00	600 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of storekeeper and accountant.....	\$ 480 00	\$ 480 00
Salary of matron for small boys .....	225 00	225 00
Salary of matron for large boys .....	270 00	270 00
Salary of a farmer and gardener .....	300 00	300 00
Salary of gardener and laborer .....	300 00	300 00
Salary of board of trustees .....	300 00	300 00
Salary of three class room teachers for the blind.....	1,350 00	1,350 00
Salary of three class room teachers for the deaf.....	1,350 00	1,350 00
Transportation for indigent pupils .....	500 00	500 00
Repairs and improvements .....	1,000 00	1,000 00
For two new pianos .....	800 00	
Books .....	175 00	175 00
Equipment for steam laundry .....	1,500 00	
Stationery, postage and printing .....	150 00	150 00
Clothing for indigent pupils .....	1,000 00	1,000 00
Tools for shops and apparatus .....	150 00	150 00
Groceries and miscellaneous .....	14,000 00	14,000 00
Amusements .....	150 00	150 00
Salary of domestic science teacher .....	450 00	450 00
Boys' dormitory .....	30,000 00	
Water and fire protection .....	5,000 00	
Hospitals and fixtures .....	2,500 00	
Furniture .....	400 00	400 00
Traveling expenses, superintendent .....	100 00	100 00
Salary of night watchman .....	300 00	300 00
Total .....	\$ 70,685 00	\$ 30,885 00

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Deaf, Dumb and Blind Institute for Colored Youths during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and, provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

State Institution for the Training of Juveniles.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent, with provisions for himself and family not to exceed in value \$800 per year.....	\$ 1,800 00	\$ 1,800 00
Salary of Assistant Superintendent.....	1,200 00	1,200 00
Salary of accountant.....	1,000 00	1,000 00
Salary of engineer.....	900 00	900 00
Salary of assistant engineer.....	600 00	600 00
Salary of school principal.....	1,200 00	1,200 00
Salary of six letter teachers (3 \$720, 3 \$800).....	3,960 00	3,960 00
Salary of 7 trade teachers, \$720 each, 1 tailor, 1 black- smith, 1 laundering, 1 animal husbandry, 1 carpen- tering, 1 dairyintg. 1 cooking and baking.....	5,040 00	5,040 00
Salary of ten field instructors, \$600.....	6,000 00	6,000 00
Salary of one instructor in barbering.....	600 00	600 00
Salary of five night watchmen, \$600.....	3,000 00	3,000 00
Salary of trained nurse.....	720 00	720 00
Salary of physician and to furnish own consultation..	1,200 00	1,200 00
Salary of chaplain.....	720 00	720 00
Salary of band instructor.....	720 00	720 00



For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of man and wife for boys' cottages, 1 first year, 2 second year .....	\$ 900 00	\$ 1,800 00
Maintenance, fuel, expenses and per diem of Board of Trustees .....	40,000 00	40,000 00
Books and school supplies.....	1,200 00	1,200 00
Postage and express.....	400 00	400 00
Medicine .....	500 00	500 00
Hospital equipments .....	750 00	750 00
Discharge and transportation.....	3,600 00	3,600 00
Farm implements .....	1,500 00	1,500 00
Engine, pump and equipments for irrigation.....	2,500 00	
Repairs to buildings, replacing burned barn, overhau- ling negro dormitory, general repairs, including heat- ing equipment .....	30,000 00	500 00
One negro school and dormitory to be erected on farm at a distance and separate from white school.....	40,000 00	
Change present residence into cottages for boys.....	3,000 00	3,000 00
Equipments and extension of trades building.....	10,000 00	
Insurance: .....	1,750 00	1,750 00
Laundry .....	3,000 00	
Total .....	\$167,760 00	\$ 83,660 00

Provided, that out of repair fund provision shall be made for adequate fire escapes on every building.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record of such absences shall be incorporated in the report made annually by the head of said institution.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Institution for the Training of Juveniles during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the per diem of the Board of Managers shall be \$5 for each member of the board for each day while actually engaged in their official duties, including time actually spent in travel, if any.

Provided, that the Board of Managers are hereby authorized to use the farm products fund to acquire additional lands for the institution when said purchase and expenditure has been approved by the Governor.

#### Tuberculosis Sanitarium.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Stationery, books, etc.....	\$ 200 00	\$ 200 00
Coal .....	2,200 00	3,000 00
Gasoline and oils.....	1,200 00	1,500 00
Groceries .....	13,500 00	17,700 00
Dry goods, beds and furniture.....	300 00	466 00
Drugs .....	1,200 00	1,326 00
Laundry supplies .....	300 00	400 00
Produce .....	3,600 00	5,300 00
Fresh meats .....	2,400 00	3,600 00
Feed .....	1,800 00	1,800 00
Ice .....	1,500 00	2,000 00
Dishes .....	150 00	225 00
Farm implements and tools.....	200 00	150 00
Sputum cups and disinfectants.....	1,500 00	2,500 00
Steam fittings .....	200 00	200 00
Electrical supplies .....	200 00	200 00
Hardware and kitchen cutlery.....	200 00	200 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Alcohol . . . . .	\$ 60 00	\$ 150 00
Plumbing supplies . . . . .	200 00	200 00
Pay roll . . . . .	15,939 88	17,999 88
Serums . . . . .	200 00	200 00
Expenses and salaries . . . . .	1,000 00	1,000 00
Telephone and telegrams . . . . .	300 00	400 00
In case work of Austin office is transferred to Carlsbad—stenographer . . . . .	600 00	
Two dormitories, one each year, for males and females, with capacity for 50 patients each . . . . .	20,000 00	20,000 00
Heating buildings, electric plant, wiring and plumbing . . . . .	10,000 00	
One storehouse, 37x65 feet, two stories high, with rooms on second story for employes . . . . .	6,500 00	
Surgical instruments for laboratory . . . . .	300 00	
Addition and changes in powerhouse, including one new boiler . . . . .	2,500 00	
For electricity and additional machinery in laundry . . . . .	1,000 00	
Septic tank for sewerage and tiling for refuse water . . . . .	2,600 00	
New dairy barn . . . . .	2,500 00	
Equipment for additional buildings . . . . .	3,500 00	
Two mules . . . . .	400 00	
A dam and damages or purchase of land protecting State for water privileges on the river, costing . . . . .	3,000 00	
A concrete tank between 60 and 70 feet in diameter, 10 feet high, to hold at least 200,000 gallons, and placed on a hill north of the Sanitarium, high enough to deliver water by gravity anywhere about the buildings and grounds, to cost . . . . .	2,500 00	
Six-inch iron pipe enough to carry the water 75 to 7800 feet, to cost . . . . .	4,500 00	
For improvement of grounds, walks, drives, irrigation pipe, etc., an appropriation of . . . . .	1,250 00	1,250 00
To make addition on subsistence building for dining rooms, servants' quarters and kitchen . . . . .	5,000 00	
Building for lecture hall and chapel, with library and reading room . . . . .	7,500 00	
Two silos, machinery for silos, wagon, harness and farming tools . . . . .	2,500 00	
Clearing land . . . . .	750 00	
<b>Total:</b> . . . . .	<b>\$125,249 88</b>	<b>\$ 81,966 88</b>

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Tuberculosis Sanitarium during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

#### State Lunatic Asylum.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per year, fuel, lights, water and housing for himself and family . . . . .	\$ 2,000 00	\$ 2,000 00
Salary of first assistant physician . . . . .	1,250 00	1,250 00
Salary of second assistant physician . . . . .	1,250 00	1,250 00
Salary of third assistant physician . . . . .	1,250 00	1,250 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of fourth assistant physician.....	\$ 1,250 00	\$ 1,250 00
Salary of fifth assistant physician.....	1,250 00	1,250 00
Salary of steward, storekeeper and accountant.....	1,000 00	1,000 00
Salary of assistant steward, storekeeper and accountant.	600 00	600 00
Salary of stenographer.....	480 00	480 00
Salary of druggist.....	720 00	720 00
Salary of matron.....	600 00	600 00
Salary of supervisor.....	540 00	540 00
Salary of assistant supervisor.....	480 00	480 00
Salary of night supervisor.....	480 00	480 00
Salary of supervisoress.....	540 00	540 00
Salary of assistant supervisoress..	480 00	480 00
Salary of night supervisoress.....	480 00	480 00
Salary of chaplain.....	300 00	300 00
Salary of outside supervisor and head farmer.....	600 00	600 00
Salary of chief engineer and plumber.....	1,100 00	1,100 00
Salary of first assistant engineer and electrician.....	660 00	660 00
Salary of second assistant engineer and plumber.....	600 00	600 00
Salary of third assitant engineer.....	600 00	600 00
Salary of three firemen.....	1,440 00	1,440 00
Salary of two ice men.....	840 00	840 00
Salary of carpenter.....	600 00	600 00
Salary of assistant carpenter.....	420 00	420 00
Salary of blacksmith.....	480 00	480 00
Salary of painter and plasterer.....	540 00	540 00
Salary of gardener and florist.....	480 00	480 00
Salary of butcher.....	450 00	450 00
Salary of tailor.....	480 00	480 00
Salary of shoemaker.....	400 00	400 00
Salary of dairyman.....	360 00	360 00
Salaries of two assistant dairymen.....	540 00	540 00
Salary of four trained nurses.....	1,680 00	1,680 00
Salaries of two nurses, tuberculosis cottages.....	840 00	840 00
Salary of ninety-six attendants.....	23,000 00	23,000 00
Salary of twenty-five night attendants.....	7,680 00	7,680 00
To pay farm hands.....	600 00	600 00
Salary of scavenger.....	300 00	300 00
Salary of ten dining room girls.....	1,080 00	1,080 00
Salary of chief cook.....	600 00	600 00
Salary of first assistant cook.....	360 00	360 00
Salary of second assistant cook.....	360 00	360 00
Salary of third assistant cook.....	320 00	320 00
Salary of nine assistant cooks.....	2,160 00	2,160 00
Salary of two cooks, tuberculosis cottages.....	720 00	720 00
Salary of baker.....	550 00	550 00
Salary of two assistant bakers.....	600 00	600 00
Salary of head laundrymen or laundress.....	480 00	480 00
Salary of assistant laundryman or laundress.....	300 00	300 00
Salary of sixteen laundresses.....	3,840 00	3,840 00
Salary of head seamstress.....	300 00	300 00
Salary of seven seamstresses.....	1,680 00	1,680 00
Salary of knitting machine operator.....	420 00	420 00
Salary of assistant knitting machine operator.....	240 00	240 00
Support, maintenance, groceries, fuel, lights and water, pay of Board of Managers, including mileage, drugs, medical stores and surgical instruments.....	185,000 00	185,000 00
Dry goods and clothing.....	36,000 00	36,000 00
Furniture and beds.....	3,000 00	3,000 00
Transportation of patients.....	720 00	720 00
Literature and amusement.....	700 00	700 00
Trees and seeds.....	500 00	500 00
Farm machinery and tools.....	350 00	350 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Engineer's and carpenter's tools.....	\$ 400 00	\$ 400 00
Horses, mules, cows and hogs.....	600 00	600 00
Bridges, culverts and grounds.....	400 00	400 00
Repairs .....	10,000 00	10,000 00
Wagons, hacks and harness.....	400 00	400 00
For purchasing fire hose.....	500 00	
For converting second story of old laundry into a ward and equipping same.....	3,000 00	
For enlarging boiler house and purchasing new boiler and other machinery.....		20,000 00
For building carpenter and blacksmith and industrial shop for patients.....	3,000 00	
For purchasing pipe to put in new pipe line to pump station at Camp Mabry station.....	2,400 00	
For purchasing laundry machinery.....	3,500 00	
For purchasing underground gasoline and kerosene tank.	600 00	
Equipping a pathological laboratory.....	1,500 00	
For putting cement floor in store room and building wall between store room and engineer's shop.....	1,500 00	
For porches for negro female department.....	4,000 00	
For repairing residence.....	1,000 00	
For purchasing two silos and ensilage cutter and carrier .....	1,200 00	
Hospital for 75 white women, equipped.....	35,000 00	
Hospital for 100 white men, equipped.....	40,000 00	
Hospital for 100 negro women.....		40,000 00
Enlarging dining room and kitchen for negroes.....	6,000 00	
Hospital for 100 negro men, equipped.....		40,000 00
Total .....	\$414,920 00	\$411,720 00

Provided, that all fees collected from non-indigent patients treated at the Pasteur Institute may be used as directed by the Board of Managers and Superintendent for the purpose of its proper support and operation, and that a record of all fees so collected shall be kept and an itemized account, showing each item of expenditure, made out of such fund, and a detailed account made and included in an annual report of the hospital to the Governor.

Provided, that the Board of Managers of the State Lunatic Asylum may use \$500 from the fees arising from treatment of the Pasteur Institute to supplement and increase salaries of the assistant physicians who do the Pasteur work.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Lunatic Asylum during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and, provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that such record of the absences be incorporated in the report made annually by the head of this institution.

#### Southwestern Insane Asylum.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per year, fuel, lights, water and housing for himself and family....	\$ 2,000 00	\$ 2,000 00
Salary of first assistant physician .....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of third assistant physician .....	1,250 00	1,250 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of storekeeper and accountant.....	\$ 900 00	\$ 900 00
Salary of assistant storekeeper and accountant and stenographer .....	600 00	600 00
Salary of druggist .....	720 00	720 00
Salary of matron .....	600 00	600 00
Salary of supervisoress .....	480 00	480 00
Salary of assistant supervisoress.....	420 00	420 00
Salary of supervisor .....	480 00	480 00
Salary of assistant supervisor .....	420 00	420 00
Salary of outside supervisor and head farmer.....	550 00	550 00
Salary of chief engineer .....	1,100 00	1,100 00
Salary of assistant engineer and electrician .....	550 00	550 00
Salary of assistant engineer and plumber.....	550 00	550 00
Salaries of three firemen .....	1,080 00	1,080 00
Salary of ice factory engineer .....	360 00	360 00
Salary of gardener and florist .....	320 00	320 00
Salary of assistant gardener .....	300 00	300 00
Salary of chaplain .....	300 00	300 00
Salary of chief cook and dietitian.....	600 00	600 00
Salaries of five assistant cooks in main kitchen.....	1,500 00	1,500 00
Salary of one cook for officers' kitchen.....	360 00	360 00
Salary of special cook for male hospital .....	420 00	420 00
Salary of special cook for female hospital.....	420 00	420 00
Salary of special cook for male tubercular cottage....	300 00	300 00
Salary of special cook for female tuberculosis cottage..	300 00	300 00
Salary of baker .....	480 00	480 00
Salary of assistant baker .....	240 00	240 00
Salary of carpenter .....	720 00	720 00
Salary of barber .....	300 00	300 00
Salary of assistant barber .....	240 00	240 00
Scavenger .....	240 00	240 00
Salary of mattress maker .....	360 00	360 00
Salary of blacksmith .....	400 00	400 00
Salary of painter and plasterer .....	480 00	480 00
Salary of tailor and tailoress .....	400 00	400 00
Salary of shoemaker .....	360 00	360 00
Salary of four housekeepers .....	960 00	960 00
Salaries of four farm hands .....	960 00	960 00
Salary of hostler .....	300 00	300 00
Salaries of 12 night watchmen for 18 wards containing 960 patients.....	3,600 00	3,600 00
Salaries for two trained night nurses for female hospital .....	720 00	720 00
Salaries for two trained nurses for male hospital.....	720 00	720 00
Salary of one trained night nurse for tubercular cottage for females .....	360 00	360 00
Salary of one trained night nurse for tubercular cottage for males .....	360 00	360 00
Salaries of two outside night watchmen.....	720 00	720 00
Salary of 60 attendants, one attendant for 16 patients .....	18,000 00	18,000 00
Salaries for two trained day nurses for female hospital..	840 00	840 00
Salaries for two trained day nurses for male hospital..	840 00	840 00
Salary of one trained day nurse for female tubercular cottage .....	420 00	420 00
Salary of one trained day nurse for male tubercular cottage .....	420 00	420 00
Salary of head laundress or laundryman.....	480 00	480 00
Salary of assistant head laundress or laundryman....	300 00	300 00
Salaries of seven laundresses .....	1,680 00	1,680 00
Salary of head seamstress .....	300 00	300 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salaries of six seamstresses.....	\$ 1,440 00	\$ 1,440 00
Salary of dairyman .....	360 00	360 00
Salary of assistant dairyman .....	270 00	270 00
Salary of butcher .....	450 00	450 00
Salary of poultryman .....	300 00	300 00
Support, maintenance, groceries, fuel, lights and water, pay of board of managers, including mileage, drugs, medical stores and surgical instruments .....	115,000 00	115,000 00
Dry goods and clothing .....	20,000 00	20,000 00
Transportation of patients .....	750 00	750 00
Literature and amusements .....	750 00	750 00
Cows, horses, mules and hogs .....	500 00	500 00
Wagons, hacks and harness .....	300 00	300 00
Trees, seeds, farm machinery and tools.....	500 00	500 00
Bridges, culverts, fencing and grounds .....	500 00	500 00
Engineer's and carpenter's tools .....	150 00	150 00
General repairs and paintings.....	4,000 00	4,000 00
Extraordinary repairs on buildings .....	1,300 00	1,300 00
Furniture and beds .....	1,700 00	1,700 00
Laundry machinery and repairs.....	500 00	500 00
Fire department .....	250 00	250 00
To remodel and repair old female infirmary.....	1,000 00	
Enlarging baker shop and installing one bake oven (new) .....	2,500 00	
To erect two lavatory buildings for old wards.....	12,000 00	
Removing and rebuilding fuel oil storage depot.....	2,500 00	
To erect and equip one hospital building to accommo- date 100 acutely insane and sick women .....	50,000 00	
To erect and equip fireproof buildings to accommodate 400 patients, also to enlarge heating and power plant, and laundry, kitchen and employes' quarters required .....		225,000 00
Total .....	\$272,450 00	\$429,450 00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Southwestern Insane Asylum during the fiscal years beginning September 1, 1913, and ending August 31, 1915, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that such record of the absences be incorporated in the report made annually by the head of said institution.

#### North Texas Hospital for the Insane.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent, with provisions for himself and family not to exceed in value \$500 per year, fuel, lights, water and housing.....	\$ 2,000 00	\$ 2,000 00
Support, maintenance, groceries and fuel, lights and water, pay of board of managers, including mileage, drugs, medical stores and surgical instruments.....	200,000 00	200,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of third assistant physician.....	1,250 00	1,250 00
Salary of fourth assistant physician.....	1,250 00	1,250 00
Salary of fifth assistant physician.....	1,250 00	1,250 00
Salary of storekeeper and accountant.....	900 00	900 00



For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

00 009	\$ 00 009	\$	Salary of assistant storekeeper and accountant		
Salary of druggist.....	720 00		720 00		
Salary of matron.....	600 00		600 00		
Salary of two supervisors.....	1,080 00		1,080 00		
Salary of outside supervisor and head farmer.....	600 00		600 00		
Salary of two supervisors.....	960 00		960 00		
Salary of chief engineer.....	1,100 00		1,100 00		
Salary of assistant engineer and electrician.....	600 00		600 00		
Salary of night engineer.....	600 00		600 00		
Salary of plumber.....	600 00		600 00		
Salary of assistant plumber.....	480 00		480 00		
Salaries of six firemen.....	2,880 00		2,880 00		
Salary of gardener and florist.....	320 00		320 00		
Salary of chaplain.....	300 00		300 00		
Salary of chief cook.....	600 00		600 00		
Salary of assistant cook.....	360 00		360 00		
Salaries of eight under cooks.....	1,920 00		1,920 00		
Salary of baker.....	600 00		600 00		
Salaries of two assistant bakers.....	540 00		540 00		
Salary of carpenter.....	600 00		600 00		
Salary of assistant carpenter.....	480 00		480 00		
Salary of blacksmith.....	400 00		400 00		
Salary of plasterer.....	720 00		720 00		
Salary of assistant plasterer.....	420 00		420 00		
Salary of painter.....	480 00		480 00		
Salary of assistant painter.....	360 00		360 00		
Salary of tailor or tailoress.....	400 00		400 00		
Salary of shoemaker.....	400 00		400 00		
Salaries of five dining room girls.....	1,080 00		1,080 00		
Salaries of 20 night attendants.....	6,000 00		6,000 00		
Salaries of six farm hands.....	1,260 00		1,260 00		
Salary of head laundryman or laundress.....	480 00		480 00		
Salary of assistant laundryman or laundress.....	300 00		300 00		
Salaries of thirteen laundresses.....	3,120 00		3,120 00		
Salaries of 4 trained nurses.....	1,680 00		1,680 00		
Salary of head seamstress.....	300 00		300 00		
Salaries of 2 outside watchmen.....	720 00		720 00		
Salaries of 10 seamstresses.....	2,400 00		2,400 00		
Salary of mattress maker.....	360 00		360 00		
Salaries of 115 attendants.....	34,500 00		34,500 00		
Salary of dairyman.....	420 00		420 00		
Salary of 3 assistant dairymen.....	720 00		720 00		
Salary of butcher.....	450 00		450 00		
Salary of scavenger.....	240 00		240 00		
Dry goods and clothing.....	32,000 00		32,000 00		
Transportation.....	800 00		800 00		
For dental work.....	1,000 00		1,000 00		
Furniture and beds.....	3,500 00		3,500 00		
General repairs and painting.....	15,000 00		15,000 00		
Literature and amusement.....	800 00		800 00		
Fire department.....	800 00		800 00		
Trees and seeds.....	400 00		400 00		
Horses, mules, cows and hogs.....	500 00		500 00		
Engineer's and carpenter's tools.....	500 00		300 00		
Bridges, culverts and grounds.....	500 00		500 00		
Laundry machinery and repairs.....	750 00		750 00		
Fencing.....	250 00		250 00		
Wagons, hacks and harness.....	300 00		300 00		
Mowers, plows and farm tools.....	300 00		300 00		
Overhauling steam plant.....	5,000 00		5,000 00		
Erecting carpenter shop.....	2,000 00				

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

To erect two buildings complete, one for male and one  
for female, for consumptive patients..... 75,000 00

Total .....\$422,300 00 \$ 345,100 00

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absence be incorporated in the report made annually by the head of said institution.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the North Texas Hospital for the Insane during the fiscal years beginning September 1, 1913, and ending August 31, 1915; and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligation incurred in excess of the amounts herein appropriated.

Grand total, 1914.....\$2,258,899 88  
Grand total, 1915.....\$1,924,756 88

#### NINETEENTH DAY.

Senate Chamber,  
Austin, Texas,

Tuesday, August 12, 1913.

The Senate met pursuant to adjournment and was called to order by President Pro Tem. Carter.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Lattimore.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Bailey of Harris.

(See Appendix for petitions and standing committee reports.)

#### JOURNAL CORRECTION—AS TO HOUSE BILL NO. 4.

Senator Brelsford made the following motion:

I move that the Journal be corrected with reference to the proceedings on House bill No. 4, on yesterday, to show that the Senate amended House bill No. 4 by striking out all after the enacting clause and inserting the following:

Section 1. Senators shall be elected to represent the State of Texas in the Senate of the United States at a general election, by the qualified electors who possess the requisite qualifications for electors of the most numerous branch of the State Legislature, and the candidate receiving the highest number of such votes cast at any election held under this act for Senator, shall be, and is hereby declared elected, and a certificate of election shall be issued to him by the Governor.

Sec. 2. When a vacancy occurs in the representation of this State in the Senate of the United States, the Governor shall, within ten days from the date of such vacancy, issue the necessary writ of election to fill such vacancy, the election to be held within not less than thirty days and not more than ninety days from the date of the issuance of the writ. Provided, that when Congress is in session at the time such vacancy occurs, or provided Congress should be convened in the interval before the election of the United States Senator, as heretofore provided, that the Governor may make a temporary appointment of a suitable and qualified person to represent the State in the Senate until the election and qualification of a Senator elected by the people.

Sec. 3. Election for United States Senators shall, except as otherwise provided, be held under the general election laws for State officers; the returns thereof shall be made, result ascertained

and declared, and certificates of election issued as is provided for the election of Representatives in Congress, by Chapter seven (7), Title forty-nine (49), Revised Civil Statutes of 1911.

Sec. 4. Candidates for the United States Senate shall be nominated by each organized political party that cast one hundred thousand (100,000) votes or more at the last general election by the qualified voters of such party in the general primary elections at which candidates for State and county officers shall be chosen.

Sec. 5. Any person affiliated with any party who desires his name to appear on the official ballot for a general primary as a candidate for the nomination of such party for the office of United States Senator, shall file with the State chairman not later than the first Monday in June preceding such primary, his written request that his name be placed on such official ballot as a candidate for the nomination as United States Senator, giving his age and occupation, the county of his residence and postoffice address, which shall be signed by him and acknowledged by him before some officer. And also twenty-five (25) qualified voters may likewise join in a request that the name of any person affiliating with such party be placed upon the official ballot as a candidate for United States Senator, giving the occupation, county of residence and postoffice address of such person signing and acknowledging same as above provided, and may file the same with the State chairman on or prior to the date above mentioned with the same effect as if such request had been filed by the party named therein as a candidate for such nomination. All petitions or requests filed by twenty-five voters as provided herein, shall be endorsed by the person in whose favor the request is made, showing his willingness to qualify for the position, if elected. All requests shall be considered filed with the State chairman when they are sent from any point within the United States by registered mail, addressed to the State chairman at his postoffice address.

Sec. 6. Nominations for United States Senators except as otherwise provided, shall be held under the general primary laws for State officers; the returns thereof shall be made, and the results ascertained and declared as is provided for the nomination of Governor and other State officers by Chapter 10, Title 49, Revised Statutes of 1911, and all the provisions of said title and chapter which apply to the nomination of Governor and other State officers, not in

conflict with the provisions of this act, shall apply to the nomination of United States Senator unless otherwise provided.

Sec. 6a. That in case a vacancy shall occur requiring the election of two United States Senators at the same election, then the proclamation ordering the election shall require that each candidate offering his name for election shall designate whether he is a candidate for the position of senior Senator or junior Senator.

Sec. 7. Nominations of candidates for the United States Senate to be voted for at any special election shall be made at a primary election at such time as the party State executive committee shall determine, provided said primary shall be held not less than fifteen (15) days nor more than ninety days from the date of the election as named in the writ issued by the Governor. No such committee shall ever have the power to make such nominations.

Sec. 7a. No person shall be declared the nominee of any political party for United States Senator unless such person shall receive a majority of the votes cast for Senator at the primary election, and if at such election no candidate receive such majority, then another election shall be held on the twenty-first day succeeding said first election, at which second election the two candidates receiving the greatest number of votes shall be the only candidates, and the candidate receiving the majority of the votes cast at said second election shall be the nominee of the said party for United States Senator. This provision shall apply to all primary elections for United States Senator.

Sec. 7b. No person shall be entitled to a position on the official ballot at any general or special election held to select a United States Senator who shall have spent in the election preceding the nomination, provided said petition shall be endorsed by the candidate as provided in Section 5 hereof, more than \$5000, or who shall have failed or refused to comply with each and every provision of any law regulating the collection and disbursement of funds preceding or after election. Should the nomination of any candidate for United States Senator be contested, the same shall be conducted under the provisions of the law regulating contests before party election committees or the courts for State offices.

Sec. 8. Any candidate who desires his name to appear on the official ballot for a special primary as a candidate for the nomination of such party for the office of United States Senator shall file with

the State chairman of his party, not later than thirty (30) days prior to the date of such primary, his written request that his name be placed upon such official ballot as a candidate for the nomination of United States Senator, giving his age and occupation, the county of his residence and postoffice address, which shall be signed by him and acknowledged by him before some officer. And also twenty-five (25) qualified voters may likewise join in a request that the name of any person affiliating with such party be placed upon the official ballot as a candidate for United States Senator, giving the occupation, county of residence and postoffice address of such person, signing and acknowledging same as above provided, and may file the same with the State chairman within the time above mentioned with the same effect as if such request had been filed by the party named therein as a candidate for such nomination. And the chairman and secretary of the State committee shall forthwith cause to be mailed to the chairman and secretary of every county committee of the party in the State the name of such candidate for United States Senator, with instructions that it be placed on the official ballot of such county. All requests shall be considered filed with the State chairman when they are sent from any point within the United States by registered mail, addressed to the State chairman at his postoffice address. On the first Saturday following such special primary election, the county executive committee of each county in the State, shall meet and canvass the returns of such election, and shall immediately thereafter certify by its chairman and secretary the result of said election and forward same to the State chairman. The State executive committee shall meet at a time not later than fifteen (15) days after the date of said special primary and canvass and tabulate the returns of said election as certified by the county chairman, and the candidate receiving the highest number of votes cast as such primary shall be the nominee of the party for such office; and the State chairman shall order the name of such candidate placed upon the official ballot of said party.

Sec. 9. The fact that there is now no law upon the statutes of this State providing for the appointment, nomination and election of United States Senators, and the fact that a vacancy might occur at any time in the representation of the State of Texas in the Senate of the United States, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be

read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

The above motion was read and adopted.

## REPORT OF COMMITTEE ON CONSTITUTIONAL AMENDMENTS.

Committee Room.

Austin, Texas, August 9, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred House Concurrent Resolution No. 1, have had the same under consideration, and I am instructed to report same back to the Senate with the following recommendation:

1. The resolution itself recites what the Journal of the Regular Session of the Thirty-third Legislature of Texas contained, upon the face of it shows that the resolution, in fact, received 98 affirmative votes, and 29 negative votes, and that the same was therefore carried by two-thirds of the membership of the House present and voting upon said resolution. That, by oversight and mistake, it is recited in the resolution that the Engrossing Clerk endorsed said resolution as having been passed by a vote of 84 yeas, and 36 nays.

That all constitutional amendments shall be adopted by two-thirds vote of both houses, entered by yeas and nays upon the Journal. If there is any error in recording the actual vote upon said resolution in the House, then the correction of same is a province exclusively of the judicial department of the State government, and no action had or taken by this Special Session of the Legislature could have, or be, of any force or effect whatever, and we, therefore, recommend that said resolution do not pass, but, if there be any question as to the legal submission of the same, that the matter be submitted to the proper judicial tribunal to determine the question involved.

TERRELL, Chairman.

The report was read and laid on the table subject to call.

EXCUSED.

On account of important business:  
Senator Warren for non-attendance

yesterday, on motion of Senator McNealus.

### SIMPLE RESOLUTION.

By Senator Terrell:

Whereas, The Regular Session of the Thirty-third Legislature passed a bill known as Senate bill No. 8, being "An Act to create a State Highway Department, and to establish a State Highway Commission, and the office of State Highway Engineer; prescribing the duties of each, and fixing the compensation for said State Highway Engineer," etc.; and

Whereas, The Governor of this State having some doubts as to the constitutionality of certain sections of said act referred same to the Attorney General's Department for an opinion as to the constitutionality of same; and

Whereas, The Attorney General's Department in an opinion furnished the Governor held that certain sections of said bill were in violation of the Constitution of this State; and

Whereas, The Governor, acting upon the advice of the State's chief law officer, according to press dispatches at the time, refused to approve the passage of said bill; now, therefore, be it

Resolved by the Senate of Texas, That we recognize the importance of the good roads movement in Texas, and the need of the establishment, without further delay, of a Highway Department, to the end that technical advice on scientific road construction may be furnished to the various counties, when called upon by the State; and be it further

Resolved, That we respectfully petition His Excellency, Governor O. B. Colquitt, to submit for consideration by the Legislature at this time the question of the establishment of a Highway Department in Texas along the lines proposed in Senate bill No. 8, which was passed at the Regular Session of the Thirty-third Legislature, and that we hereby pledge ourselves to eliminate all those points over which the question of their constitutionality has been raised, either by the Governor or the Attorney General of this State.

The resolution was read and adopted.

### BILLS AND RESOLUTIONS.

By Senator Hudspeth:

Senate bill No. 18. A bill to be entitled "An Act to reorganize the Thirty-fourth

Judicial District of Texas; to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas; providing for the returning of the process issued and to be issued by said court, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senators Conner and Carter:

Senate bill No. 19, A bill to be entitled "An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature of the State of Texas, entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas; to provide for proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency," and providing further for a governing board for the Texas Agricultural Experiment Stations, defining the place of residence of the Director of Texas Experiment Stations, and declaring an emergency'; providing for the payment of the salary of the Director of said Experiment Stations, defining his powers and duties and also the powers and duties of the governing board and fixing their term of office; also providing that the Texas State Agricultural Experiment Stations located at the Agricultural and Mechanical College in Brazos county shall remain under the control of the Board of Directors of the Agricultural and Mechanical College, and authorizing the said Board to receive from the Federal government the aid that has been or may hereafter be available for it under an Act of Congress, and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

Morning call concluded.

### EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, August 11, 1913.

To the Senate:

In presenting to the Legislature the subject of passing a bill providing for the creation of land credit unions and a better warehouse system for storing the



products of the farmers, it was my intention to attach to my message a copy of a report made by Hon. J. S. Williams and Hon. Clarence Ousley of extensive investigations in Europe into the handling of agricultural products and warehousing same.

These two distinguished Texans, under appointment by the Governor, accompanied the American Commission of Agricultural Co-operation on a tour of European countries for the purpose of gaining information on these and other subjects of importance to our farming citizenship. Their report is a most creditable and comprehensive one, and I am transmitting it herewith to the Senate so that it may be printed as a part of my message to the Legislature submitting the question above referred to for legislation.

Respectfully submitted,

O. B. COLQUITT.

Governor of Texas.

To the Honorable O. B. Colquitt, Governor of Texas; the Honorable E. B. Cushing, Chairman Board of Directors, A. and M. College of Texas; and the Honorable Peter Radford, President Farmers' Union of Texas.

Sirs: Representing, as we do, severally or jointly, the State of Texas, the Agricultural and Mechanical College of Texas and the Farmers' Union of Texas, on the American Commission lately returned from a study of rural co-operation in Europe, we beg to submit to each of you, and through you to the public, the following preliminary report of our observations.

The commission is now preparing, through a committee of compilation, a comprehensive digest of its findings with respect to the four main divisions into which it organized its labors, to wit: rural finance, including land mortgages; distribution, including the sale of farm products and the purchase of farm supplies; production, as affected by co-operative effort, and rural life in its social, educational and domestic respects. As members of the commission, charged with participation in the issuance of this final report, we deem it unbecoming to seem to anticipate its findings in detail. Moreover, there is a great mass of evidence gathered during more than two months of daily investigation by the several sections and sub-committees of the commission, which when intelligently condensed and classified will furnish a more complete compendium of information than any member or group of members could possibly prepare for the reason that the necessary division of labor by sections

and committees prevented any member from hearing or seeing all that was offered or was gathered in the score or more of countries, states and provinces which were visited.

After the commission's final report is issued, we will make a further report of observations and recommendations with special reference to Texas rural conditions and problems, and in that report we hope to have the concurrence of other commissioners from Texas, to wit: Judge S. A. Lindsey of Tyler, representing the Texas Welfare Commission; Mr. Charles B. Austin, representing the University of Texas, and Mr. Francis W. Wozencraft, representing a group of agricultural newspapers. Messrs. Austin and Wozencraft returned with the main body of the commission in advance of us; we remained a week longer to make some further studies in the marketing of cotton and its by-products, and Judge Lindsey is still in Europe with his family. Hence we have been unable to communicate with these gentlemen in regard to this preliminary report, which we feel we must make forthwith as immediately due to you and as bearing in certain important respects upon possible legislation at the Called Session of the Thirty-third Legislature.

#### Commission's Report of Main Findings.

We include herewith as a part of our own observations, the following report of main findings prepared by the whole commission and issued to the public upon arrival in New York on July 25th:

"The American Commission on Agricultural Co-operation has completed its tour of European countries and has perfected plans to digest and compile the information obtained with regard to co-operation and the organization of rural life in European countries along financial, business and social lines. It is believed that this task can be completed before the end of the present year, when the final report of the commission will be submitted.

"The commission is deeply impressed with the vital importance of a thoroughly organized and united rural population. In this respect the countries of Europe offer a lesson which may not long be disregarded in America without serious consequences.

"The agricultural interests of most of the European countries visited by the commission are organized along one or more of the following lines: credit, production, distribution, and social organization for the betterment of country life.

"Organizations for the provision of



credit facilities for European farmers follow the natural division into short time personal credit and long time land-mortgage credit. The organizations for the provision of personal credit facilities are as highly developed as are the systems of commercial banking. The prevailing rate of interest paid by the farmers for short time loans is from four to five and one-half per cent. The terms offered European farmers are generally better designed to meet the peculiar requirements of agriculturists than are the terms obtainable today by the American farmers.

"The personal credit organizations have the form of co-operative societies. Very often the members of these societies assume unlimited liability for the debts of the society while in other cases the societies take the form of limited liability. As a rule in European countries, the law makes little or no provision for exemptions of any kind. These short time credit societies furnish cheap, safe and elastic credit to their members by reason of their control by farmers and are organizations exclusively in the interest of farmers who operate them at nominal cost and without seeking dividend profit to such societies.

"Land mortgage credit has been organized so as to place a collective security back of bonds issued by land mortgage societies in contrast with the system of marketing individual loans upon individual mortgages. Without discussing the form of organization employed for this purpose, it may be stated that these land mortgage institutions bring to European farmers low interest rates; the privilege of repaying loans in small fixed annual installments extending over a term of years—in some cases as long as seventy-five years under the amortization plan, although provision for earlier payment is made if the borrower so desires; protection from advance in interest rates; and the practical elimination of commission charges. Many of these personal credit societies and land mortgage associations are fostered by government grants, loans or special provisions of law. Mortgage bonds issued by commercial banks and by private joint stock land mortgage bank sell substantially on the same basis with like securities issued by government favored institutions, and both classes of banks are recognized as needful in the development and conservation of agricultural resources. In many instances private and commercial banks

purchase the securities of land mortgage associations. Experience has demonstrated that such land mortgage bonds are liquid assets.

"The systems of land title registration in countries possessing such mortgage institutions practically prevent dispute of title upon mortgaged land. Provisions are also generally afforded these mortgage institutions which eliminate undue legal delays in the recovery of loans placed with defaulting borrowers. Savings and trust funds are frequently invested in securities of such mortgage institutions under sanction of law. Loans up to fifty or even sixty-six per cent are made on lands of dependable value and are considered safe and conservative and compare favorably with provincial and government bonds.

"The organizations for production and distribution of farm products follow co-operative lines. Farm products are sold by the producer at a relatively higher price and are bought by the consumer at a relatively lower price because the cost of distribution is considerably lowered by co-operative marketing which results, also, in improving the quality and uniformity of farm products and in promoting more businesslike methods in farming operations.

"It is the opinion of many of the leaders of this movement in Europe that the question of rural credit ought not to be divorced from co-operation for business purposes and the general organization of community life in rural districts. In some European countries visited, agriculture and country life interests generally are thoroughly organized and coordinated. The studies of the commission emphasize the necessity of defining the functions, on the one hand of the government, and on the other of voluntary organizations in promoting the development of country life. In some of these countries great emphasis is placed upon the value of voluntary associations and such State aid as involves governmental control over the activities of rural organizations is deprecated as tending to stifle the initiative of the people.

"Rural conditions, environment and temperament in Europe differ widely in the various countries and also differ from rural conditions, environment and temperament in America, as conditions differ in our several States and provinces; therefore, it may be necessary, in some cases, to modify these European systems if they are to be adapted to meet the needs of American farmers. At the same time, co-operative effort among the farmers of America might well be more generally employed and the

facts gathered should be of great value in developing methods suited to the needs of the farmers in the several sections, States and provinces.

"To this end, the American commission, with a membership in thirty-six States and in four provinces in Canada, has effected an organization with headquarters in Washington, D. C., and invites the aid and co-operation of farmers and all agricultural organizations and persons concerned in promoting a more prosperous and contented rural life as the enduring basis of our material, social and civil welfare.

"The commission desires to call attention to the geographical scope of its inquiries which were conducted in Italy, Hungary, Austria, Germany, France, England, Ireland and Wales, while subcommittees were sent to Russia, Denmark, Switzerland, Holland, Belgium, Norway, Sweden, Egypt, Spain and Scotland. In all of these countries the members of the commission were officially received by the respective governments and were given every opportunity to carry out their studies. National and local officials, central institutions, and local societies, eminent economists, leading agricultural and business men, all contributed with most gratifying willingness to the successful accomplishment of the work of the commission.

"The commission has selected two committees which will devote their entire time to drafting the final report regarding the investigation.

"The members of the compilation commission are: Dr. Kenyon L. Butterfield of Massachusetts, president of the Massachusetts Agricultural College, and formerly a member of the Roosevelt Country Life Commission; Dr. John Lee Coulter, the government's expert on agricultural statistics; Mr. LeRoy Hodges, formerly immigration commissioner of the Southern Commercial Congress; Dr. Charles F. Bailey, deputy minister of agriculture, province of Ontario, Canada; Mr. Robert L. Munce of Pennsylvania, farmer.

"The members of the advisory committee are: Dr. J. E. Stubbs, president of the University of Nevada; Dr. H. A. Morgan, dean of the school of agriculture, University of Tennessee; State Senator John Cunningham of Ohio, farmer; Robert B. Van Cortlandt of New York, farmer and retired banker; William B. Hatch of Michigan, editor and farmer; Col. J. S. Williams of Texas, farmer; Lieutenant Governor E. L. Daughtridge of North Carolina, farmer."

### Conditions Underlying Rural Credit Societies.

To these general observations by the whole commission we now add some reflections and suggestions with special reference to Texas conditions, for in this and in other reports on European co-operation it is important to know something of the conditions of rural life in order to draw intelligent conclusions as to the possibility of adopting the systems there to the life and times of the people here.

In considering the personal credit societies or rural banks, as distinguished from the land mortgage associations or banks, it should be remembered, in the first place, that they are based upon intimate and stable village life, to which we have no counterpart here. There the farms are small, and the farmers are in daily social contact and are little disturbed by sectarian or political factions, because while communities differ as compared by States, sections or provinces, each local community is more or less homogeneous; the majority of each village or neighborhood are generally of one religious creed, and church association is a powerful factor in promoting community trust and dependence; the families abide in the same place from generation to generation with few removals and with little transference of land or leasehold beyond the family connection; lands and leaseholds are held for their productive value with little thought of sale for profit; centuries of habit in close association for protection in wars of clan or class or sects and in the distresses consequent upon early political tyrannies and later agricultural and industrial serfdom have developed a relation of mutuality which is almost unknown to us in this land of large areas and of aloofness, individualism and self-reliance consequent upon our totally different history, environment, necessities and methods of development.

Moreover, at the beginning of these credit undertakings in Europe there was lacking, and there is still lacking, any general system of local banking accommodation, or country banks, such as we now have in most parts of the United States, and the poor peasant was at the mercy of village usurers, who took advantage of his ignorance and preyed upon his distress. While our farmers lack the cheap credit facilities which most European farmers now enjoy, we think it may be assumed that an in-

telligent study and a fair consideration of the subject will lead to methods of rural credit which will amply serve the farmer without rude disturbance of our country banking interests which constitute so important and so helpful a factor in our agriculture as well as in our commerce.

In the second place, the European farmer borrows under systems of law which allow such small exemptions from debt judgment that, in default or failure to pay his obligation, his creditor may seize his homestead or his equipment or his other belonging with little delay or risk of loss. As a rule, only the bed upon which he sleeps, his clothes and the implement of his immediate employment are exempt from execution. We are sure that our people would not and should not consent to the abolition or the serious impairment of legal exemptions of homestead, household goods and trade equipment which protect the dependent family from adventure or improvidence or misfortune.

In the third place, all the systems of European rural credit are assisted by government grants, loans or special favors of law which are impossible under our Constitution, if not, indeed, contrary to our fundamental principles of government. Such assistance, perhaps, was necessary in Europe to lift the peasant farmer from abject poverty to comparative independence, and to enable the serf to become a proprietor by leasehold or ownership, and the experience may well be taken to heart by our statesmen and economists as a warning of what may befall in this country if provision be not timely made for bringing to the producer, who is the creator of primary wealth, a fairer return for his labor and for arresting the present alarming drift of agricultural lands into the hands of heedless speculators and non-resident or non-cultivating landlords.

We are far from saying that the farmers of Texas may not devise a system of mutual credit. Indeed, we hope that when the European systems are fully set forth in detail and when wise beginnings are made in the co-operative selling of farm products, there will be evolved methods of mutual aid which will bring substantial relief in necessary credit without weakening the beneficent provisions of our organic and statute laws for the protection of families and dependents, or without lessening the self-reliance and the sense of

individual responsibility which have made the American people the most powerful, the most cultivated, the most prosperous and the most progressive upon the earth.

### Three Great Facts of European Experience.

Three facts of supreme importance stand out clearly in this instructive study.

The first is that the governments of Europe are concerned as much in the economics of agriculture as in the science of agriculture—that is, in commercializing agricultural industry and in securing the just profits as well as in promoting the increase of agricultural production. In our country, we have been generous in aiding the farmer to make two bolls of cotton grow where one grew before, but we have not seemed to care whether he received more pay for the two than for the one. Millions are spent annually by the Federal and the State governments to increase production—and all wise men approve such expenditures as warranted for the general welfare—but we venture to insist that the time has come for some instruction to be given and for some aid to be furnished in order that farm products may be sold for their economic value and that preventable loss and waste in marketing may be eliminated for the benefit of producers and consumers alike.

The second great fact of European demonstration is that under proper provisions of the law, land credit is as safe and as cheap as industrial credit. The long-time European land loan with its low rate of interest and its amortization by a fractional annual payment—the whole of interest and of payment on principal amounting to less than current rates of interest on land loans in the United States—is a blessing to the European land owner by furnishing a means of obtaining cheap money for improvement, and to the tenant or laborer by affording an opportunity to acquire a home without serious risk of the loss of his savings in the misfortune of a bad crop or even of a series of lean years.

We doubt whether our people would care for land loans, either for purchase or improvement, upon such long time as forty to sixty years as in Europe, though as to such long-time loans it may be said that they serve to capitalize agricultural industry as manufacturing and transportation industries are capitalized, and as communities obtain funds by bond sales for public improvements. A railroad stock or a manufacturing stock has a

value aside from the mortgage debt upon the property, and all great railway improvements, as most modern industrial improvements, are made wholly or in part upon bond capital. There is no economic reason why productive land of demonstrated value should not carry long time mortgage obligations for purchase or improvement, and yet be readily salable at its net value above the mortgage debt. Such mortgages in Europe rank high for popular investment at low rates of interest, and yet the land owner may easily retire the mortgage when he chooses by purchasing in the open market an equivalent of the bonds of the society or bank which issues its own obligations against its loans on lands. Thus a farmer who has made a land loan from a landschaft or from a land mortgage bank under amortization running fifty years, may at any time before the maturity of his loan purchase bonds of the landschaft or the mortgage bank and present them in discharge of his debt, but so long as he pays his interest and amortization, never amounting altogether to more than six per cent per annum, he may not during the entire fifty years suffer foreclosure or disturbance and at the end of the full period the entire principal of his debt will have been automatically discharged.

But if a term of forty to sixty years is too long for our people, we see no reason why the amortization plan may not be adapted to terms of ten to thirty years. There is already a land mortgage bank in Illinois lending fifty per cent of appraised value, on thirty years time, at six per cent interest and one per cent amortization, payable semi-annually, and we are reliably informed that it is meeting with encouraging success. The experiment is well worth the study of legislators and of the owners of large tracts of land who wish to subdivide and sell their holdings. Of course, it will be understood that in speaking of land mortgages we mean only the mortgages for purchase under vendor's lien or for the improvement of holdings above homestead exemptions.

A necessary condition of such land credit is the perfection of land titles. A disputed title is hardly known in Europe, because titles are transferred by incontestable government registry. The voluminous records of our courts, with their mazes of title abstracts, abundantly exhibit the need for reform in this respect. It is safe to say that current land loans cost as much as one per cent per annum—and in some sections more—to cover the risk of imperfect titles and conse-

quent defeat of loans. This condition not only imposes a hardship upon land borrowers and land purchasers, but the consequent litigation operates as an unjust burden upon all tax payers. Several States of the Union have already adopted systems of title guarantee or insurance whereby provision is made for the certainty of possession by a bona fide purchaser, and yet a person who may have been defrauded of land by an unlawful transaction may recover its value within a reasonable time fixed by statute for such equitable determination. A small fee for each land transfer constitutes an ample fund for the liquidation of adjudicated rights without invalidating a mortgage or disturbing a purchaser in the property he has acquired and improved.

The third great fact of present practical importance is that co-operative effort in the sale of farm products in Europe, as in certain parts of the United States and Canada where similar systems are employed, results in higher prices to the farm producer and yet in lower prices to the consumer than in sections where each farmer sells separately from his neighbors and through such middlemen and agencies of distribution as offer their services. Co-operative selling has the further effect of improving the quality of the product by developing better methods of cultivation and of packing and by reducing the time of delivery. This is especially important in the handling of perishable products. We cite an example, which is only one of thousands in Europe, to illustrate the process:

An egg society in Oldenburg, Germany, which we examined in some detail, gathers the eggs of its members three times a week. Each member is recorded in the society's books by a number which is stamped upon the eggs from his farm. After the eggs are assembled at the society's warehouse, they are tested by candling, and if a bad egg is found, it is rejected and the farmer is fined three marks, or seventy-five cents. The eggs are then neatly packed and dispatched to certain customers, consisting of hotels, restaurants and retail dealers, who are glad to pay a fair price for the guaranteed product. On the day we visited the warehouse the farmer was receiving twenty-one cents a dozen on the farm and the dealer was paying 21.6 plus freight, or not over twenty-two and one-half cents per dozen. The ultimate consumer, other than hotels and restaurants, was paying not more than twenty-five cents for guaranteed fresh eggs. The



total cost of distribution from producer to consumer was only three to four cents. In another society, whose members delivered the eggs to the warehouse, a premium was paid for eggs not more than four days old, and generally in all such co-operative undertakings, rigid rules are enforced for maintaining the quality of the product.

In many places in the United States, the farmer would receive scarcely more than twelve and one-half to fifteen cents in trade and the consumer would pay twenty-five to thirty-five cents for eggs passing through the hands of three or four middlemen during a period of ten days to two weeks from the nest to the table, and consequently more or less stale, if not spoiled, in the proportion of one-fourth to one-third of the number.

This society was thus not only rendering direct economic benefits to both the producer and the consumer, but its methods of education had improved the breed of poultry in the neighborhood, had brought cheaper production by more intelligent feeding and care, and had converted into cash for many farmers a product which otherwise would bring little or no money return.

Similar methods of co-operation are practiced in all farm products, in grain selling, in market gardening, in dairying and in live stock marketing, and in the purchase of fertilizers and farm implements, in live stock insurance, hail insurance and other concerns of agriculture. Often a co-operative dairy serves to commercialize the product of a number of farmers who have only two or three cows each and would be unable otherwise to market their milk or butter or to own the equipment necessary to prepare the product in accordance with modern standards of sanitation and excellence.

Such co-operation in the sale of farm products does not disturb legitimate merchandising, which is a necessary part of our system of commerce. Indeed, the commercializing of agricultural industry by such means tends to promote stability in all lines of trade that serve the farmer, for as he prospers so those prosper who deal with him fairly and helpfully.

In many of the countries of Europe, the government encourages co-operation by lectures and, in some instances, renders direct aid by grants of money or by contributions to the expense of administration. We do not favor State grants, but we do specifically recommend that the A. and M. College establish at once, as a part of its extension work,

and utilitarian endeavor, a department of rural organization under a skilled director, learned and experienced in practical co-operation, with a sufficient expense fund for correspondence, for circulating literature and for making personal visitations to communities or neighborhoods and assisting farmers in this important method of securing the just market price for their products.

In this connection, we call attention to our report from Enschede recommending investigations in the comparative values of American and other cotton seed by-products, and we suggest that our own Agricultural and Mechanical College should take the lead in this important study since Texas is the chief cotton producing State of the Union.

We recommend, also, that the Farmers' Union and other rural societies begin the work of organization through local unions by practicing simple co-operation in each community, according to its needs and opportunities.

By such means and agencies we believe that a few years of patient and prudent effort will bring incalculable blessings to producers and substantial benefit to consumers. A miracle of economic reform is not to be wrought immediately, nor can organization supply defects of personal industry and thrift, but it is our deep conviction that the time has come for a diligent study of problems of agricultural economics lest a large part of our people drift into conditions so inequitable and intolerable as to tempt them in desperation to undertake rash adventures.

#### Cotton Marketing Most Important of All.

As intimately related to the whole subject of Southern farm economics, and as concerning the chief staple of Texas agriculture and the chief source of Texas wealth, we beg now to call attention to the problem of cotton marketing. As a part of our study and as illustrative of what we are about to say, we refer to the reports of the commission's subcommittees on Egyptian production, which has been published, and on the conference of Southern delegates with cotton spinners at The Hague, yet to be made public, copies of which are attached hereto for further reference if desired. We attach, also, an unpublished report by ourselves on certain other phases of the cotton marketing problem as investigated by the undersigned in Holland, France and England, and finished too late for formal submission to the American commission before it dispersed at New York.

These investigations—which, we pause to say, should be pursued with diligence and in other directions, for we feel that we have only made a fair beginning in unraveling a gigantic trade complication or situation which imposes heavy burdens upon cotton producers—have confirmed us in our opinion as to the expediency and the necessity of a system of State regulated warehouses for storing cotton and other farm products as recommended by the undersigned to committees of the Regular Session of the Thirty-third Legislature. Briefly, those recommendations, which are resubmitted herewith, are as follows:

Local corporations, chartered under a general law, for the erection or purchase of warehouses for storing, grading and weighing cotton or other farm products.

Provision by law for the sale of bonds of local warehouse corporations by making the State, through proper officers, the custodian of the funds of the stockholders and the trustee of the corporation's assets and earnings for the security of the bonds; or by creating a general trust and guarantee society under State control, with a limitation upon profits, for the registry, sale and guarantee of such local warehouse bonds.

The creation of a State warehouse commission of three competent men empowered to prescribe rules for the sampling, grading and weighing of cotton and other farm products and for supervising the operations of warehouses, to the end that cotton may be sampled at the gin without cutting the bale, and may be stored and sold upon a bonded State officer's certificate of weight and grade, and that other farm products may be graded, stored and sold under intelligent and scrupulous State regulation, which will reduce the enormous waste now suffered as a consequence of exposure and of commercial methods which, to say the least, are sadly uneconomic and which in many respects are grossly unjust to the producer. Easily preventable waste in the handling of the cotton crop of the South amounts to from four dollars to five dollars a bale, according to calculable demonstration, which constitutes a loss of \$20,000,000 to \$25,000,000 upon the Texas cotton crop alone—a sum, staggering as it is, which we believe further investigation extending to the marketing of the by-products of cotton will multiply two-fold. It is as clearly a function of the State to establish agencies which will save so much of the people's primary wealth as it is to spend public money for the cure or prevention of live stock and plant diseases and

pests, for the reduction of fire waste, or for the arrest of any general depreciation upon the property of citizens.

We believe that the organization of local warehouse corporations, composed of farmers and their sympathizers, will not only serve the immediate purpose of preventing waste in marketing and of securing just prices for farm products, but will lead to the co-operation of farmers in other matters, extending ultimately to all the problems and concerns of rural life, and will gradually develop neighborly relations of mutuality that will be of great benefit to all who participate and to the social and civic welfare of the commonwealth.

In addition to a system of State regulated warehouses, or as a part of the service of the warehouse commission, we recommend the establishment of a bureau of cotton information and the adoption by the Legislature of a joint resolution inviting other cotton-growing States and countries to establish similar bureaus authorized to act in concert for the purpose of gathering information concerning the consumption of cotton and concerning cotton trade conditions throughout the world to enable our farmers to ascertain the economic value of their product. The manufacturers of more than 75 per cent of the cotton of the world are compactly organized and are enabled thereby with intelligence and profit to adjust their output to the trade law of supply and demand. Without adequate information, it is impossible for farmers to adjust their business to the same inexorable law of trade, and in the nature of things—their numbers and their separation—they can not be similarly organized. Therefore, it is necessary for the government to supply them with information of consumption, as it supplies, manufacturers and consumers with information of production. When a cotton crop of 12,000,000 bales sells for \$100,000,000 more than the following crop of 16,000,000 bales, and when a succeeding crop of 14,000,000 bales sells for \$60,000,000 more than the preceding crop of 16,000,000 bales, and yet all three crops are consumed, it is plain to be seen that the law of supply and demand is imperfectly executed, or is executed only as to the producer's supply and is suspended as to the consumer's demand. If nothing is to be done to correct this economic absurdity and to undo this palpable injustice to the producer, who thus is denied all the increment of his industry and all the bounty of nature, then it will be a



travesty of statesmanship for the government to continue to spend money in teaching the farmer how to increase his production, but rather he should be admonished, in common sense and self-interest, to produce the less in order that he may receive the more.

Studies extending over several years and confirmed by the revelations of our observations abroad, as well as by circumstances which we are yet unable to set forth with confidence and precision, but which we are still investigating, convince us beyond reasonable doubt that under such methods as are herein proposed the price of cotton would never again fall below the cost of production, but that the product would be to Texas, the South and the nation a source of inexhaustible and increasing wealth which will make its producers prosperous and restore to our country population that degree of comfort which alone will insure contentment and revive those conditions of rural tranquility, happiness, intelligence and strength which aforetime were the glory and the chief dependence of the republic.

In addition to these observations, which are reduced to the smallest possible compass on account of the limitations of the occasion, we stand ready to furnish to the Governor, to the Directors of the Agricultural and Mechanical College, to the officers of the Farmers' Union and other rural organizations, to committees of the Legislature or to other persons at interest any information in detail which we have gathered in regard to any of the European systems or institutions, or to render any aid within our power for the solution of the important problems herein discussed.

We conclude with the suggestion that whatever may be undertaken should begin with caution, should be developed slowly in the light of experience and in conformity with local surroundings, and should not be deterred or disheartened by the resistance or the inertia, by the mistakes or miscalculations which attend all efforts to change the established order or to correct evils of long standing.

In our early history as a people we profited by the mistakes of European governments, and we made sure against the abuses of governmental power. Without relaxing any of the safeguards of our industrial as well as of our political freedom, and without abating in the slightest degree that self-reliance and sturdy individualism which are the

surest means of human progress, we can profit by the experiences of Europe, and we can utilize our governmental organisms for purposes of the general good and for the protection of the earnings of the people against the impositions of a greedy commercialism which is rampant the world over, and against the waste of a haphazard system of marketing farm products which has been endured so long only because our resources of soil have been so generous that we could waste and still prosper, but which should not be endured longer, because we have now come to the point where we must husband those resources or suffer.

We can not refrain from the final remark that we return with increased pride in the greatness, and with renewed faith in the ultimate destiny of our beloved commonwealth and country, but with a keener appreciation of the problems that must be solved in wisdom and with dispatch, if the march of our people's progress and happiness is not to be hindered, and if they are to maintain their leadership among the States and the civilizations of the earth.

Respectfully,

J. S. WILLIAMS,  
CLARENCE OUSLEY.

#### FURTHER REPORT ON COTTON MARKETING.

Dr. Kenyon L. Butterfield, Acting Chairman American Commission.

Sir: Your committee appointed to make further inquiry, following the Egyptian investigation and The Hague conference, into the marketing of cotton and its by-products, beg to report:

The short time allowed for study in France and England, which seem to be the price-making countries for cotton seed oil, did not permit us to gather and verify data with sufficient detail to warrant a precise statement in figures and concrete facts. However, we were able to confirm our report on the Egyptian situation with respect to the wide discrepancy between the price of Egyptian and American cotton seed. We learned that there are practically no European imports of American cotton seed, nor have been for many years, for the reason, we were told in trade circles, that American cotton seed oil mills consume the entire American supply. Europe uses large quantities of American cotton seed meal and cake for live stock feed, and is taking from the crop of 1912 about 108,000 tons of American cotton seed oil—compared with about 110,000 tons of cotton seed oil from

Egyptian, East Indian and other seed—which is used for margarine, for cooking, for salad preparations, for soap, for lubricants, etc., and so far as we could ascertain, the American product is equal or superior to the product of other countries for such purposes.

The subject involves many questions of trade, and it will require long and patient study for intelligent understanding. We shall continue the investigation by such means as we may be able to employ and as our time may permit, but meanwhile we recommend that the Federal Departments of Agriculture and Commerce, in co-operation with Southern agricultural and mechanical colleges, institute minute and painstaking studies into the comparative values of American cotton seed and its by-products, ascertained from both commercial and scientific standpoints, for we are fully persuaded that they are not now yielding to our producers and to our industries a just return in the true reckoning of the world's markets.

As further illuminative of problems discussed in the Egyptian and Hague reports, we add a brief account of a visit made by Mr. Williams to the cotton mills of Messrs. Van Heek & Co. at Enschede, Holland, upon the invitation of Mr. J. Barnard Van Heek, the active spirit in the organization, following The Hague conference.

These mills are only a part of extensive spindle enterprises in Holland and Germany in which the Van Heeks are interested. Directly and indirectly they are among the largest if not the largest consumers of American cotton in the world. The Enschede establishment alone this year is using 13,000 bales of American linters and 10,000 bales of other American cotton of various grades.

It is interesting and somewhat startling to record that linters were found at this establishment of the grade which Mr. Williams sold this year for 1½ cents a pound, for which this mill paid in Texas 5½ cents a pound, and were woven into blankets of most attractive appearance. Such blankets sell in the United States for \$1.75 to \$2.25, though Mr. Van Heek offered to deliver them to buyers in the United States at 40 cents, plus freight and import duty. The product of which these blankets are made competes in the markets of the world with like products from the coolies of India and the fellahin of Egypt, whose labor is rated at only 15 to 25 cents a day, and Egyptian cotton to the amount of approximately 200,000 bales a year is imported into the United States free of duty. Samples of these 40-cent blankets,

made of American linters, for which the producer received only 1½ cents and the manufacturer paid 5½ cents—blankets which are sold wholesale in India and elsewhere at 40 cents plus freight, and in the United States by retail at \$1.75 to \$2.50—were obtained by Mr. Williams, who will be glad to exhibit them to the commission or to persons at interest. We regret that it becomes necessary to make this incidental allusion to a subject which is a matter of present national controversy, but we would be unfaithful to our obligation if we did not record a plain fact which has a direct relation to the commercial value of the South's great staple and the nation's chief commodity of export.

Mr. J. Bernard Van Heek is a member of the general committee or the executive board of the International Congress of Master Cotton Spinners which we attended at The Hague. He promised hearty support of the resolution presented to The Hague conference by Mr. Ousley for official reports of cotton consumption, together with official reports of cotton production, and approved the suggestion that the reports should cover the grades as well as the volume of cotton produced as a guide to both producers and consumers in the quality as well as in the quantity of cotton desired and available.

He also heartily approved the proposal for an international bureau of cotton information covering all cotton growing countries, and endorses the efforts making for the better packing of American cotton and the correction of mispacked bales—a number of which were exhibited at the Enschede mills. He gave assurance that if the Southern States will establish a warehouse system for grading and storing cotton under State regulation, his firm would be glad to extend their wires to such warehouses and deal directly with producers, but made it plain that there must be ample and definite responsibility behind such systems in order to protect buyers and insure prompt settlement of just claims for reclamation.

We regard it as a matter of great significance that our proposal for reports of consumption and for a bureau of cotton information have the active support of so powerful a factor in the cotton manufacturing trade of Europe, and we submit that this evidence in connection with other acts, reports and expressions gathered during our somewhat hurried but none the less careful study, warrant the diligent prosecution of these endeavors by official and organized effort. We entertain no doubt whatever that per-

severance will accomplish early and complete success of the undertaking, and will bring increased prosperity to cotton producers, greater primary wealth to our country, satisfaction to cotton consumers and stability to the entire cotton trading and manufacturing industry.

Respectfully,  
J. S. WILLIAMS,  
CLARENCE OUSLEY.

#### SENATE BILL NO. 6.

(Pending Business.)

Action here recurred on the pending business, Senate bill No. 6, pending business for this hour from last Friday.

#### RECESS.

On motion of Senator Bailey of Harris, the Senate, at 10:30 o'clock a. m., recessed until 2:30 o'clock today.

#### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Carter.

#### EXECUTIVE SESSION POSTPONED.

The hour, 3 o'clock p. m., time set for the Senate to hold executive session to act on various appointments by the Governor, having arrived,

Senator Willacy moved that the holding of the executive session be postponed until 8 o'clock tonight, which motion prevailed.

#### EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, August 12, 1913.

To the Texas Legislature:

Attached to this message is a copy of an opinion by the Attorney General, in which he advises me that the Legislature has no authority to appropriate any part of the public funds of this State for the erection of a building, the gathering together of exhibits and maintaining same at the Panama-Pacific Exposition to be held at San Francisco in 1915, and cites Section 48, of Article 3, of the Constitution of this State.

I have been importuned to give my endorsement to a proposed concurrent resolution calling upon the Governor to

appoint a number of commissioners for the purpose of organizing a movement to secure, by public subscription, funds sufficient for the erection of a creditable building and a display of the resources of Texas at the Panama-Pacific Exposition to be held in San Francisco, California, in 1915.

It would please me personally and as Governor of the State very much to see a creditable exhibit of the resources of Texas at this exposition, but in view of the holding of the Attorney General I could not conscientiously approve an appropriation out of the public revenues for this purpose, having taken an oath to uphold and support the Constitution of the State.

I will be glad to co-operate in the best manner possible with other citizens of the State and with the Legislature in giving approval and endorsement to a movement for the collection of funds to erect a building and make an exhibit at the Panama-Pacific Exposition in 1915, as indicated in the proposed concurrent resolution, a copy of which has been submitted to me. I endorse and approve the sentiment in the resolution and will be glad to act in accordance with its provisions to the best of my ability.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

Note.—The opinion by the Attorney General, referred to, did not accompany the message.—Journal Clerk.

#### EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, August 12, 1913.

To the Senate:

I ask the advice and consent of the Senate to the following appointment:

To be a member of the Board of Prison Commissioners—Hon. Ben E. Cabell of Dallas county.

In submitting the foregoing appointment, I desire to make the following statement for the information of the Senate:

The general prison law under which the penitentiaries are now being managed was passed by the Fourth Called Session of the Thirty-first Legislature, and by its terms took effect January 20, 1911. Section 4 of the act provided for the appointment of a board of three Prison Commissioners, whose terms of office should be two years; provided, that of the first Commissioners ap-

pointed one should hold office for eight months, one for sixteen months and one for twenty-four months; thereafter, the Commissioners to be appointed for a term of two years, unless the Constitution should be changed providing for a longer tenure of office.

In accordance with the provisions of said act, I appointed Hon. Ben E. Cabell of Dallas county for a term of twenty-four months; Hon. L. W. Tittle of Cherokee county for a term of sixteen months, and Hon. R. W. Brahan of Walker county for a term of eight months. At the expiration of eight months, Brahan was reappointed under the statute for a term of two years; at the expiration of sixteen months, Tittle was reappointed under the statute for a term of two years. On November 5, 1912, the people of Texas adopted an amendment to the Constitution making Prison Commissioner a constitutional office, and fixing the term of said office at six years. The amendment to the Constitution provided "that the terms of office of the Board of Prison Commissioners first appointed after the adoption of this amendment shall begin on January 20th of the year following the adoption of this amendment." The original terms of two of the Commissioners having expired under the statutory provision, they were reappointed in the manner prescribed by the statute.

On January 17, 1913, I addressed a message to the Senate asking your advice and consent to all recess appointments, as provided by Section 12 of Article 4 of the Constitution. On that date the Senate met in its morning session at 10 o'clock, and, as shown by the journals, recessed at 11:50 a. m. until 2 p. m. At 2:35 p. m., Friday, January 17, as shown by the Journal of the Senate, you adjourned until Monday morning, January 20, and, on account of your adjournment, the message of the Governor of January 17, transmitting his recess appointments, could not be delivered to the Senate until Monday morning, the 20th, at which time the recess appointments were confirmed. In this list of recess appointments were the names of L. W. Tittle and R. W. Brahan to be members of the Board of Prison Commissioners. Mr. Cabell was not appointed by me at the expiration of his first term of twenty-four months because of recommendations which had already been made in the general message for a change in the form of prison management. Neither

were the names of Messrs. Tittle and Brahan submitted for confirmation under the constitutional provision which went into effect on January 20, 1913, for the same reason. Neither of these gentlemen were appointed under the constitutional provision until their names were sent to the Senate until your convening in Special Session on July 21, last.

The Attorney General holds that as a result of the fact that the Senate adjourned on Friday, January 17th, until Monday morning, January 20th, and did not until that date receive and act upon the recess appointments, and at which time they confirmed the recess appointments of Messrs. Tittle and Brahan, their terms of office thereby began, under the constitutional provision, on that date. He holds that by reason of this fact it was not necessary for the Governor to reappoint said Commissioners, and that the Senate has no authority or jurisdiction over their confirmation. I have very great respect for the opinion of the Attorney General, and it is with great reluctance that I feel constrained to disagree with him on this point, for I do not concede that because I could not deliver the message to the Senate earlier the purpose and motive of the appointment of these gentlemen and the transmission of their names for confirmation as recess appointees could be changed into permanent appointments under the constitutional provision. However, out of deference to the opinion of the Attorney General, I am not transmitting in this message the names of Messrs. Tittle and Brahan, but submit to you the question for your own determination, and ask the Senate to determine for itself whether they will accept and approve the interpretation of the Attorney General. I consider it a matter of importance, because it is a precedent which will be cited and used in the future, not only in this State, but in other States, and therefore I think it important for the Senate of the State of Texas to determine the matter for itself.

If the Senate shall conclude not to approve the interpretation of the Attorney General, then I shall forthwith transmit the appointment of Messrs. Tittle and Brahan for your consideration.

I have deemed it advisable to make the foregoing statement in order that the record in this matter may be clearly placed before you and be shown in your proceedings.

Respectfully submitted,

O. B. COLQUITT.

Governor of Texas.



## BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Bailey:

Senate Concurrent Resolution No. 5, Providing for the appointment of a State Commission to raise the funds, assemble, prepare, install and maintain an exhibit of the resources of the State of Texas at the Panama-Pacific International Exposition at San Francisco, 1915.

Whereas, There is in course of preparation at San Francisco a great international exposition in celebration of the completion of the Panama Canal, in which exposition the States of the Union and the nations of the world are invited by the national government to participate; and

Whereas, It is desirable that the State of Texas should be fully and adequately represented at said exposition; therefore be it

Resolved by the Senate, the House of Representatives concurring, That the Governor be authorized to name a commission of representative citizens, consisting of five persons, to be known as the "Panama-Pacific International Exposition Commission of Texas," which said commission shall have full charge of the matter of raising the funds, preparing, installing and maintaining the exhibits from the State of Texas at the Panama Exposition at San Francisco and to do such things and perform such functions as usually pertain to such enterprises; the Governor to name one of said commissioners to be chief commissioner, and the said commission to make its own rules and regulations, fix all salaries, etc.

Be it further resolved, etc., That the people of Texas be requested to give their aid and co-operation, and the several departments of the State government be authorized to lend such aid and assistance as may be possible, under existing laws.

Be it further resolved, etc., That a full and final report of all moneys raised and how expended, shall be made to the Governor at the close of the labors of said commission; provided, that in no case shall the State of Texas be liable for any debts, obligations or expenses connected with said commission or its participation in the Panama-Pacific International Exposition at San Francisco.

Read first time and referred to Committee on Agricultural Affairs.

By Senators Gibson, Brelsford, Taylor, Hudspeth, Darwin, Collins and Nugent:

Senate bill No. 20, A bill to be entitled "An Act to create a State Bonded Warehouse System and afford a method of co-

operative marketing for those engaged in the production of farm and ranch products; and for the purpose of effectuating this end the creation of a State Warehouse Commission; specifying that said commission shall be composed of two members to be appointed by the Governor and a third member to be Commissioner of Agriculture; defining the authority of the commission and giving it powers of visitation over corporations chartered under the act as a part of the system; authorizing the formation of stated bonded warehouse corporations to be under the supervision and control of the State Warehouse Commission; creating and defining offenses in violation of the act, and prescribing penalties therefor; making an appropriation to carry the act into effect, and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

## SIMPLE RESOLUTION.

By Senator Watson:

Be it resolved by the Senate, That the Chairman of the Committee on Contingent Expenses is hereby directed to approved the accounts, which shall be authority for the Comptroller to issue warrants for the payment of all witnesses actually subpoenaed and who attended under said subpoena the hearing before the Committee on Privileges and Elections of this Senate in the contest of Hon. C. A. Wheeler vs. Hon. A. C. Oliver for Senator of the First Senatorial District upon the following basis, to wit:

1. That said witnesses shall each receive the sum of \$1.00 per day for the days they were necessarily absent from home in attendance upon the committee, together with the sum of 6 cents per mile for each mile they may have to travel going from and returning to their homes, said accounts to be issued upon the approval of the Chairman of the Committee on Privileges and Elections.

2. That before the Chairman of the Committee on Privileges and Elections approves any account for mileage and per diem said witnesses shall each make an affidavit before some officer authorized to administer such oath that they were actually subpoenaed and attended upon the hearing of said contest and number of days they were actually away from home, together with the number of miles actually traveled by said witnesses.

3. That the Chairman of the Committee on Contingent Expenses is hereby authorized and directed to issue proper vouchers to the sheriff or other officers who served the subpoenas on said witnesses, which shall be the authority of the Comptroller to issue warrants therefor upon said officers filing with said chairman a sworn account of the number of witnesses served and the number of miles actually and necessarily traveled in the service of said contest. The resolution was read and adopted.

### RECESS.

On motion of Senator Willacy, the Senate, at 3:30 o'clock p. m., recessed until 8 o'clock tonight.

### AFTER RECESS.

(Night Session.)

The Senate was called to order by President Pro Tem. Carter.

### EXECUTIVE SESSION.

The Senate proceeded to executive session, in accordance with motion previously adopted, for the purpose of considering various appointments by the Governor.

In executive session the following confirmations were made as reported by the Secretary of the Senate:

To be Assistant State Health Officer—Dr. Henry Hartmann.

To be Judge of the Forty-fifth Judicial District—Hon. S. G. Tayloe.

To be District Attorney for the Twenty-first Judicial District—Hon. Jack Jenkins.

To be State Pension Commissioner—Hon. Geo. W. Kyser.

To be Judge of the Special District Court for the Ninth Judicial District—Hon. Julian Llewellyn.

To be Judge of the Special District Court of Grayson County—Hon. W. J. Mathis.

To be Secretary of State—Hon. F. C. Weinert.

To be members of the Board of Managers of the Epileptic Colony at Abilene—H. B. Cook and George Minter.

To be members of the Board of Managers of the North Texas Hospital for the Insane—A. R. Andrews and Thos. B. Griffith.

To be Branch Pilot at Port Aransas—Capt. E. B. Mercer.

To be District Attorney for the Thirty-seventh Judicial District—Hon. W. C. Linden.

To be members of the Board of Managers of the Deaf and Dumb Institute—Hon. Ike D. White and Hon. R. W. Finley.

To be members of the Board of Regents of the University of Texas—Hon. Jos. Faust and Dr. A. W. Fly.

To be members of the State Board of Embalmers—Geo. W. Loudermilk and C. B. Sutherland.

To be members of the Board of Managers of the Deaf, Dumb and Blind Institute for Colored Youths—Hon. E. Cartledge, W. M. Dunson and Sidney F. Grumbles.

To be Gonzales State Park Commissioners—R. S. Dilworth, John C. Jones and J. W. Rainbolt.

To be State Reclamation Engineer—A. A. Stiles.

To be State Insurance Commissioners—S. W. English and A. H. Haynes.

To be a member of the State Board of Medical Examiners—Dr. Samuel L. Scothorn.

To be members of the Board of Managers of the Confederate Woman's Home—Dave Harrell, W. P. Allen and John H. Chiles.

To be member of the Board of Managers of the State Lunatic Asylum at Austin—Carl Nelson.

To be a member of the Board of Directors of the Agricultural and Mechanical College—Thos. E. Battle.

To be members of the Board of Trustees of the Blind Institute—W. A. Trenckmann and Ed W. Giesen.

To be members of the Governing Board of Agricultural Experiment Stations—Hon. Chas. Rogan and Hon. Pink L. Downs.

To be a member of the Board of Managers of the Confederate Home—H. G. Askew.

To be members of the Board of Managers of the State Orphan Home at Corsicana—Hon. R. S. Neblett, and Mat Young.

To be members of the Board of Managers of the Southwestern Insane Asylum at San Antonio—Jos. J. Tucker and Hon. J. F. Carl.

To be a member of the Board of Managers of the Deaf and Dumb Institute at Austin—W. H. Richardson, Jr.

To be a member of the Board of Managers of the State Orphan Home at Corsicana—Doc Boyett.



## ADJOURNMENT.

On motion of Senator Willacy, the Senate, at 10 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

## APPENDIX.

## COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, August 11, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 27, A bill to be entitled "An Act to amend Title 76, Articles 5221, 5222, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232, 5233 and 5234 of the Revised Civil Statutes of 1911, concerning the management and control of the State Institution for the Training of Juveniles, and to add thereto Articles 5234a and 5234b,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed, but printed in the Journal.

JOHNSON, Chairman.

H. B. No. 27. By Henry of Wichita.

## A BILL

## To Be Entitled

An Act to amend Title 76, Articles 5221, 5222, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232, 5233 and 5234 of the Revised Civil Statutes of 1911, concerning the management and control of the State Institution for the Training of Juveniles, and to add thereto Articles 5234a and 5234b.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5221 be amended so as to read as follows:

Board of Trustees.—The institution known as "The State Institution for the Training of Juveniles," located at Gatesville, shall be named and known as "The State Juvenile Training School," hereafter to be designated as "The Training School." The government of the said school shall be vested in a board of trustees, composed of six persons. The members of the board shall be appointed by the Governor, with the

advice and consent of the Senate, and may be removed by him for cause stated in writing, after an opportunity to be heard. Two members of the board so appointed shall serve for a term of two years; two members for a term of four years, and the two members for a term of six years, the length of their respective terms to be determined by lot. All succeeding appointments shall be for a term of six years; provided, that, if vacancies occur, appointments shall be made for the unexpired term. The members appointed shall be persons of high character and ability, known for their interest in the welfare of the unfortunate classes. Each member shall receive \$5.00 per day and traveling and other necessary expenses while engaged in the performance of official duties, for which the Comptroller shall issue his warrant on the account, verified by said member and approved by the chairman of the board. The chairman of said board shall not approve any expense account of any trustee until same has been allowed by a majority of the board.

Sec. 2. That Article 5222 be amended so as to read as follows:

Meetings of Board.—Said board shall elect one of their members as chairman and one as secretary of the board. The board shall hold four regular meetings each year and shall hold such special meetings at such times and places as are deemed necessary, when requested so to do in writing by two members of the board.

Sec. 3. That Article 5223 shall be amended so as to read as follows:

Powers of Board.—Annual Report to Governor.—The Board of Trustees shall have advisory control of the said Training School. It shall employ the Superintendent. It shall make an annual report to the Governor, setting forth in full all the facts pertaining to the school, including receipts and disbursements; the number and salaries of all employes; the number of inmates received and discharged and the number still on hand, and estimates for appropriation required for two years of maintenance. It shall include in its report the general condition of the students committed to its care, and the success with which the reformatory measures of the school have been administered.

Sec. 4. That Article 5224 shall be amended so as to read as follows:

Shall Provide Instruction. Etc.—Said Board of Trustees and the Superintendent shall provide for, establish

and maintain suitable instruction and training of the inmates of said institution. Said instruction shall include common school, as well as industrial, or agricultural branches, or either or all, as may be deemed desirable by said board and Superintendent; provided, that it shall be the duty of said board and Superintendent to arrange that each student of said Training School shall receive a reasonable amount of instruction in the school of letters and industrial branch each year. Each inmate shall be given definite instruction and training in some useful occupation. Each inmate shall be given such moral training and discipline as he is capable of receiving. The prime end to be sought by said board is to reform, educate and train the children committed to the institution into industrious and useful law-abiding citizens, strengthen their self-control and place them in a moral environment that will build character and inculcate correct ideas of civic virtue and responsibility.

Sec. 5. That Article 5225 be amended so as to read as follows:

The Superintendent.—The Board of Trustees shall appoint a Superintendent of said school who shall not be removed without cause, which shall be stated by said board in writing and filed with the Secretary of State for public record, and in case said board desires to dismiss said Superintendent it shall give him two months' notice. The Superintendent shall be a man of high moral character, education and training, and who shall have had experience in handling wayward and delinquent boys. The Superintendent shall before entering upon the duties of his office take the oath of office prescribed by the Constitution, and shall give a bond in the sum of \$10,000, payable to the Governor or his successors in office, conditioned for the faithful performance of the duties of his office. Said bond shall be signed by the Superintendent and two good and sufficient sureties, or by himself and some solvent surety company, authorized to transact business in Texas, and shall be approved by the Secretary of State and be deposited in his office. Said bond when approved by the Governor shall be deposited in the office of the Secretary of the State.

Sec. 6. That Article 5226 shall be amended so as to read as follows:

Powers and Duties of the Superintendent.—The Superintendent shall have control and management of the Training School, subject to the provisions of this law and the regulations adopted by the board.

1. It shall be the duty of the Superintendent to keep a register in which he shall enter the name, date of reception, previous moral character, habits and education, so far as can be ascertained, his conduct and deportment, educational and vocational advancement while in said school, the discharge, death, escape, commutation of time, parolment and punishment of each inmate or person admitted to said institution.

2. He shall see that the buildings are kept in good and sanitary order, and that the premises are kept in a healthful and cleanly condition.

3. He shall keep, or cause to be kept, the books of the institution, fully exhibiting all moneys received and disbursed, the source from which received and purposes for which the same is expended. The said books shall give a complete record of all products produced on the farm, or received from any source, and shall show the disposition made of the same, whether sold or consumed. Said books shall at all times be open for the inspection of the Board of Trustees or the Governor, or to any one appointed by the Governor to inspect or audit said books.

4. At the first regular meeting after the first of the months of March and September the Superintendent shall make a semi-annual report in duplicate, in writing under oath, showing in detail the fiscal operations of the institution since the last report, giving under appropriate heads the total number of inmates in the institution at the date of the report, the number received since last report, the number discharged since last report, the number paroled, or otherwise discharged, with such recommendations for the improvement of management or other matter as he may deem proper. One of said reports shall be presented to the Board of Trustees at their regular quarterly meeting and the other shall be forwarded to the Governor.

5. It shall be the duty of the Superintendent to make supplemental reports in writing to the Board of Trustees on any matter within the scope of his duties, when requested to do so by the President of the Board of Trustees.

Sec. 7. That Article 5227 be amended so as to read as follows:

Salaries, etc., How Paid.—The Superintendent shall employ, and may dismiss for cause stated in writing to the board, such subordinate officers, teachers and employes as may be deemed requisite and necessary to the conduct, administration and maintenance of said institution, up to the standards of efficiency and utility essential to accomplish the

best results; provided, that it shall be a violation of the rules of said institution for any employe to use tobacco or intoxicating liquors in any form while on duty, and should any employe be guilty of violating this rule, it shall be the duty of the Superintendent to discharge such employe.

The salaries and compensation of all subordinate officers, teachers and employes aforesaid shall be fixed by the Board of Trustees, not to exceed the amounts appropriated for same, and the same shall be prescribed by said board in the form of an itemized account sworn to by said Superintendent; and the same shall be paid monthly on the Comptroller's warrants based upon such sworn itemized account aforesaid. Said account shall contain the name and address of each person and the amount due and for what service; provided, that no account for salary shall be presented by said Superintendent until the same has been fixed by said board as herein provided.

Sec. 8. That Article 5228 shall be amended so as to read as follows:

Who To Be Confined.—There shall be confined in said State Training School for Boys all persons confined in the State Institution for the Training of Juveniles at the time this law takes effect, and all persons who may be sentenced to a term in said State Institution for the Training of Juveniles before this law takes effect, and their present status and terms of sentence shall not be affected by this law; also all juveniles committed to said institution by any court within this State acting under authority of law. Provided, that all inmates sentenced to the State Institution for the Training of Juveniles shall only be required to serve out their unexpired terms in said institution, at which time they shall be released.

Sec. 9. That Article 5229 shall be amended so as to read as follows:

Same.—Hereafter all male persons under the age of seventeen years who shall be convicted of a felony, or other delinquency in any court within the State, unless his sentence be suspended, as provided by law, or otherwise disposed of unless by reason of the length of the term for which he is sentenced he is required under the law to be confined in the State penitentiary, shall be confined in the Texas Training School for Boys; provided, that the white boys shall be kept, worked and educated entirely separate from the boys of other races, and shall be kept apart in all respects.

Sec. 10. That Article 5230 shall be amended so as to read as follows:

Leave of Probation.—The said Board of Trustees shall establish and maintain in the said school a system of grading and promotion on a basis of the moral, intellectual and industrial advancement of the pupils. When the Superintendent is satisfied that any inmate has acquired sufficient self-control, moral habits and industrial efficiency, and suitable employment, under responsible, sober and moral person can be found for the said inmate he shall with the approval of the chairman of said Board of Trustees grant said inmate a "leave of probation." For the purpose of securing homes and employment for the inmates of the school and of visiting and supervising them while on probation, a furlough officer shall be employed who shall, when not engaged with his duties as furlough officer, assist in teaching, and in the general work of the school, under the direction of the Superintendent. When employment has been secured for any inmate he shall be sent out on a furlough, with the condition that the person furloughed, and his employer, shall send a written report, at the end of each month thereafter for a period of twelve months, to the furlough officer, stating the habits and demeanor of the said furloughed person. If each of the said reports be favorable, the Superintendent shall recommend to the Governor that a full release be granted to the said furloughed person and that his term of commitment be terminated. Upon the termination of the term of commitment by the Governor the furloughed person shall be finally discharged, with none of his legal rights impaired or abrogated. In the event any of said monthly reports shall be deemed unfavorable, or for any reason be not sent as herein provided, and the said Superintendent should for any reason become convinced before the expiration of the said twelve months that the said furloughed person should be returned to the State Training School for further training or discipline, the said furloughed person shall, in that event, forfeit his leave of probation, and shall be returned to said institution. If his said employers shall fail or refuse to return said furloughed person to said institution, it shall be the duty of the furlough officer, any sheriff, or other peace officer, upon notice from the Superintendent, to take said furloughed person into custody, under the same conditions as if said person were an escaped inmate, and return him to said institu-

tion in the manner prescribed in the law for apprehending and returning escaped inmates. No inmate of the said State Training School for Boys, who shall be committed to said school by a judgment of a district court after the conviction upon a charge of felony, shall be granted a leave of probation, furloughed or released before the expiration of the term for which he shall be so committed, unless same be recommended by the Superintendent and a majority of the Board of Trustees, and is approved by the Governor. In case any such inmate convicted of a felony or other delinquency is granted a leave on probation, as herein provided, the procedure shall be the same as herein provided for inmates not confined on a judgment of felony; provided, that the Governor shall, at all times, have full power to grant an unconditional pardon or commute sentence of any inmate committed to said school.

Sec. 11. That Article 5231 be amended so as to read as follows:

Duration of Sentence.—Commitments to the Training School shall be upon the indeterminate sentence plan; provided, that no inmate shall be committed to said institution for a longer period than five years; provided, that no inmate shall remain or be detained in said institution or upon parole under the control of the officers of said school, after he has reached the age of twenty-one years.

Sec. 12. That Article 5232 be amended so as to read as follows:

Inmates to be Divided Into Classes.—The Superintendent shall divide inmates into such classes and shall house, feed and train such inmates in such manner as he may deem best for the development and advancement of the child.

Sec. 13. That Article 5233 be amended so as to read as follows:

Clothing, Books, Etc., to be Furnished.—All inmates of said institution shall be provided with shelter, wholesome food and suitable clothing, books, means of healthful recreation, and other material necessary for their training, at the expense of the State, except as otherwise provided by law.

Sec. 14. That Article 5234 be amended so as to read as follows:

Escapes.—If any inmate confined in the State Training School for Boys shall escape therefrom, or if on leave of probation or furlough, and is ordered returned and the employer of said furloughed person fails or refuses to return him as provided in this law, it shall be the duty of the Superintendent of said institution or any officer or employe of same, or the sheriff, or any

peace officer, to apprehend and detain him. It shall be lawful for any person to apprehend such escaped inmate and forthwith deliver him to any sheriff or peace officer; any such escaped inmate shall be returned to said school by any sheriff, peace, furlough or probation officer; and the costs of his return shall be paid by the county from which said inmate was sentenced; provided, if any inmate committed to said institution on a charge of felony shall escape, the costs of his return to said institution shall be paid by the State, on warrant of Comptroller, based upon a sworn itemized statement of said expense account, approved by said Superintendent.

Sec. 15. That there be hereby added Article 5234a, which shall read as follows:

Corporal punishment in any form shall not be inflicted upon the inmates of said institution except as a last resort to maintain discipline, and then only in the presence of the Superintendent, and a resident nurse; and at no time shall any inmate be struck more than twenty times, and that only with such instrument and in such manner as will inflict reasonable and moderate punishment, considering the age, size and strength of the culprit and the strength of the person administering such punishment, and at no time shall any weapon or instrument of torture be used, or any instrument which by its make, coupled with the manner of its use would be calculated to inflict bodily injury. Any one violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than \$25 nor more than \$100, and sentenced to not less than thirty days, nor more than ninety days in jail, or by both such fine and imprisonment.

Sec. 16. That there be hereby added Article 5234b, which shall read as follows:

The fact that there is no law in this State providing for the appointment of members of the Board of this institution to serve for six years, creates an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, August 12, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred



House bill No. 13, A bill to be entitled "An Act to amend Chapter 150, General Laws, passed at the Regular Session of the Thirty-third Legislature, relating to application for witnesses in felony cases so as to repeal Section 4 of said chapter, which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that Senate bill No. 13, by Morrow, as amended by committee, be substituted therefor, and be not printed.

CONNER, Chairman.

#### PETITION.

By Senators Townsend and McNealus:  
Relating to the purchase of portrait of the late John H. Reagan.

#### TWENTIETH DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, August 13, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Carter.

(See Appendix for petitions and memorials and standing committee reports.)

#### ASSIGNED ON STANDING COMMITTEES.

The Chair announced Senator Bailey of DeWitt as member of the following standing committees: Finance, Public Lands and Land Office, State Penitentiaries, Rules, Stock and Stock Raising, Insurance, Statistics and History, Mining and Irrigation, Agricultural Affairs.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House does not concur in Senate amendments to House bill No. 4 and requests the appointment of a Free Conference Committee. The following committee on the part of the House has been appointed: Messrs. Kennedy, Dove, Mills, Kirby, Hunter.

Also the House has passed the following bill:

House bill No. 33, A bill to be entitled "An Act to reorganize the Thirty-fourth Judicial District of Texas, to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas, providing for the returning of the process issued and to be issued by said courts, validating process heretofore issued by said court, and declaring an emergency."

Also has passed the following resolution:

House Concurrent Resolution No. 9. Requesting our Senators and Representatives in Congress to support bill for the creation of the Mescalero National Park out of a portion of the Mescalero Indian Reservation.

Also the House does not concur in Senate amendments to House bills Nos. 2 and 14, and requests the appointment of a Free Conference Committee. The following on the part of the House have been appointed: Messrs. Wortham, Goodner, Hill, Kirby, and Woods of Navarro.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILLS ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after their captions had been

read, the following House bill and resolution:

House bill No. 33, referred to Committee on Judicial Districts.

House Concurrent Resolution No. 9, referred to Committee on Federal Relations.

### SIMPLE RESOLUTION.

By Senator Clark:

Whereas, The Governor by written message to this body has advised that he did not intend to appoint Messrs. Tittle and Brahan to the constitutional offices of Prison Commissioners, but his appointments were made on January 17 last and before the constitutional amendment went into effect and were for the statutory offices only, which expired beginning January 20 last, which contention on the part of the Governor we believe to be correct; and

Whereas, Messrs. Tittle and Brahan did not qualify within ten days after their appointment, by executing bond and taking oath of office, as is required by law, and now for the first time have tendered to the Secretary of State their bonds, more than six months after their appointments; and

Whereas, The Governor has signified his willingness to again place said parties' names before the Senate to be voted upon for the constitutional offices to determine whether or not the Senate shall confirm them; therefore, be it

Resolved by the Senate, That it request the Governor to submit such names to the Senate as he may desire at once, to the end that it may pass upon the confirmation or non-confirmation of such parties for said positions.

The resolution was read and Senator Clark moved that same be adopted.

Senator Watson moved, as a substitute, that the resolution be referred to the Committee on State Penitentiaries.

Senator Clark moved to table the substitute motion, which motion to table was adopted by the following vote:

Yeas—16.

Brelsford.	Johnson.
Carter.	Lattimore.
Clark.	Morrow.
Collins.	Taylor.
Conner.	Townsend.
Darwin.	Warren.
Greer.	Westbrook.
Harley.	Wiley.

Nays—12.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Nugent.
Cowell.	Real.
Gibson.	Watson.
Hudspeth.	Willacy.

Absent.

Terrell.

Action recurred on the motion to adopt the resolution, and Senator Lattimore offered the following amendment:

Amend resolution by inserting in the last paragraph thereof after the word "Senate" the following: "That it is the sense of the Senate that the appointees named by the Governor in his message of August 12, 1913, were recess appointees and."

### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

House Concurrent Resolution No. 10, Granting leave of absence to Judge W. B. Hopkins, judge of the Twenty-eighth Judicial District, during the months of August and September, 1913.

Also, House Concurrent Resolution No. 11, Relating to the Texas Pan-American Exposition Commission.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

### HOUSE RESOLUTIONS ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after their captions had been read, the following House resolutions:

House Concurrent Resolution No. 10, referred to Committee on State Affairs.

House Concurrent Resolution No. 11, referred to Committee on Agricultural Affairs.

### HOUSE BILL NO. 4—FREE CONFERENCE COMMITTEES ON.

Senator Johnson offered the following motion:

I move that the following be ap-



pointed as a Free Conference Committee on House bill No. 4: Senators Taylor, Brelsford, Collins, Warren and Hudspeth.

The motion was read and adopted.

#### HOUSE BILLS NOS. 2 AND 14—FREE CONFERENCE COMMITTEE ON.

Senator Willacy made the following motion:

Mr. President, I move that the request of the House that a Free Conference Committee be appointed upon the part of the Senate to adjust the differences between said Senate and House on House bills Nos. 2 and 14 be granted, and that the following committees are hereby appointed:

On House bill No. 2—Senators Lattimore, Hudspeth, Wiley, Bailey of Harris and Collins.

On House bill No. 14—Senators Cowell, Real, Astin, Nugent and Harley.

The motion was read, and Senator Brelsford moved that Senator Willacy be made ex-officio member of the Free Conference Committees on all the appropriation bills, which motion prevailed.

The motion was then adopted, as amended.

#### SIMPLE RESOLUTION.

(Pending Business.)

Action recurred on the pending business, the simple resolution by Senator Clark, the question being on the amendment by Senator Lattimore, which was read and adopted.

The resolution was then adopted, as amended.

On motion of Senator Lattimore, the Secretary was instructed to furnish a copy of the resolution to the Governor.

#### HOUSE BILL NO. 27—MADE SPECIAL ORDER.

Senator Taylor asked unanimous consent to make House bill No. 27 a special order for tomorrow morning, and there was no objection.

#### HOUSE BILL NO. 24.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 24, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, to-wit: State Orphan Home, Confederate Home, Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum, and North Texas Hospital for the Insane."

The committee report, with committee amendments and providing that the bill be not "printed" but printed in the Journal, was adopted.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill, page 261, of Senate Journal by adding after the line "clearing land," the following: "For building a rabbit proof fence around farm and garden, \$1000."

Senator Willacy offered the following amendments, separately, which were read and adopted:

Amend the bill by adding to the caption the following, "and declaring an emergency."

Amend by adding the following:

"Sec. 2. The fact that there is no money available for the purposes of this act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the same is hereby suspended, and this bill be placed upon its third reading and final passage and it is so enacted."

The bill was read second time and passed to third reading.

On motion of Senator Cowell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Real.
Collins.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Conner. Terrell.  
McGregor.

The bill was read third time and passed by the following vote:

## Yeas—26.

Astin.	Hudspeth.
Bailey of De Witt.	Johnson.
Bailey of Harris.	Lattimore.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Wiley.
Harley.	Willacy.

## Nays—1.

Westbrook.

## Absent.

McGregor. Terrell.

Senator Cowell moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## REASON FOR VOTE.

I vote "nay" on House bill No. 24 for the reason that it carries considerable increased appropriations over previous years and there is appropriated a great deal more for the support of some of our institutions than I think necessary. Furthermore, I do not think sufficient thought was given nor discussion allowed on this bill, on the floor of the Senate.

## WESTBROOK.

Morning call concluded.

## SENATE BILL NO. 6.

(Pending Business.)

Action recurred on the pending business, Senate bill No. 6, the penitentiary bill, the question being on the pending amendment by Senator Brelsford to the amendment by Senator Townsend. (See Journal of Friday for the amendment.)

The amendment to the amendment was adopted and the amendment as amended was adopted.

The bill having been read second time, was passed to engrossment by the following vote:

## Yeas—21.

Brelsford.	Johnson.
Carter.	Lattimore.
Clark.	Morrow.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Harley.	Willacy.
Hudspeth.	

## Nays—5.

Astin.	Watson.
McNealus.	Wiley.
Terrell.	

## Present—Not Voting.

Bailey of DeWitt. Bailey of Harris.

## Absent.

McGregor.

## REASONS FOR VOTE.

On Senate bill No. 6, by Warren, I vote "yea" on engrossment for the following reason: While I am vigorously opposed to the feature of the bill which indirectly destroys the constitutional offices of Penitentiary Commissioners, which feature I opposed with all of my power, I feel that a revision of our laws governing our penitentiary system is imperatively necessary, and as the bill as a whole is so vast an improvement over our present law, and contains many good features, and as there is more good than bad in the measure, and as I am powerless to save the Commission provided by the Constitution, but want the good features of the bill as a whole, I vote "yea."

## NUGENT.

On motion of Senator Warren, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Astin.	Lattimore.
Bailey of De Witt.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.

## Present—Not Voting.

Bailey of Harris.

Absent.

Darwin.

McGregor.

The bill was read third time and passed by the following vote:

Yeas—21.

Brelsford.	Johnson.
Carter.	Lattimore.
Clark.	Morrow.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Harley.	Willacy.
Hudspeth.	

Nays—5.

Astin.	Watson.
McNealus.	Wiley.
Terrell.	

## Present—Not Voting.

Bailey of DeWitt. Bailey of Harris.

Absent.

McGregor.

Senator Warren moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## REASON FOR VOTE.

I vote "yea" for the reason that I regard it important that legislation seeking to better our penitentiary system be enacted and that the near approach of the end of the session makes it necessary that the bill reach a Free Conference Committee at the earliest possible moment, that an opportunity may be had to bring out a measure upon which we may ultimately agree.

COWELL.

I vote "yea" on final passage for the same reasons that prompted me to vote "yea" on engrossment, and as are now on file.

NUGENT.

## RECESS.

On motion of Senator Hudspeth, the Senate, at 11:45 o'clock a. m., recessed until 4 o'clock today.

## AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Carter.

## EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, August 12, 1913.

To the Texas Legislature:

In harmony with the Governor's proclamation convening the First Called Session of the Thirty-third Legislature, Article 3 of the State Constitution, I and in accordance with Section 40 of present the following additional subjects for legislation:

1. The passage of acts creating independent school districts, and the passage of acts amendatory of acts creating existing independent school districts.

2. The enactment of measures on the subject of special road laws for any county or counties of this State, and for the amendment of special road laws heretofore enacted for any county or counties in the State.

3. The enactment of measures regulating, changing or fixing the time and terms of holding district court in any county or counties constituting any existing judicial district or districts in this State.

4. The passage of an act to amend Article 4954, Title 71, Chapter 15 of the Revised Civil Statutes of the State of Texas, 1911, so that the term "special or board contract or similar provision" shall be construed to have a technical meaning and not a literal meaning.

5. The enactment of a law authorizing the State of Texas to guarantee the payment of the principal and interest of all bonds that may be issued and sold by virtue of Chapter 57, Acts of the Thirty-third Legislature, approved March 29, 1913, and which provides for the issuance of penitentiary bonds.

6. The passage of an act to amend Article 6002, Title 97, Chapter 1 of the Revised Civil Statutes of the State of Texas, 1911, relating to the appointment of notaries public, and amending said article so that it shall hereafter provide that notaries public may be appointed by the Governor, with the advice and consent of the Senate, during extra sessions of the Legislature.

7. The passage of an act to amend Article 911 of the Penal Code of the State of Texas, as amended by Chapter 135, Acts of the Regular Session of the Thirty-third Legislature, so as to strengthen the powers of the Game, Fish and Oyster Commission, and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, etc.

8. The passage of an act to amend Section 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's lien on real estate.

9. The passage of an act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, 1911, regulating the manner of railroad companies and receivers and trustees thereof furnishing to shippers upon written demand cars to be loaded with freight, and regulating demurrage thereon.

10. The passage of an act amending the present laws of this State so as to permit the levying of attachment and garnishment, and other similar process on property and debts within this State, owned by non-resident individuals, firms and unincorporated associations in all cases arising out of torts as well as out of contracts, and the issuance and levy of such writs in suits based upon unliquidated as well as liquidated demands.

11. The passage of an act to amend and re-enact Articles 5585 and 5588, Title 83, Chapter 3 of the Revised Civil Statutes of Texas, relating to seawalls and breakwaters.

12. The passage of an act to create and establish the county of Lott, taken from existing territory of Duval county, prescribing its area and boundaries, and providing for its organization and election of county officials.

13. The passage of an act to authorize the Governor, Attorney General and Land Commissioner to lease the water rights in the Guadalupe river in De Witt county upon such terms and for such consideration as they may prescribe, or as may be prescribed by law, as provided in an act passed by the Regular Session of the Thirty-third Legislature, but which was passed without an enacting clause, as shown on page 69, General Laws, passed by the Regular Session of the Thirty-third Legislature.

14. The passage of acts providing for special district courts, regulating the time of holding same, in the Fifth and Twenty-eighth Judicial Districts of the State of Texas, the term of said courts to expire January 1, 1915.

15. The enactment of a law authorizing the Imperial Sugar Company, its successors and assigns, to bring suit against the State and against the Prison Commission of the State of Texas, for specific performance and for damages, if any should accrue, by reason of the breach of a certain contract which will be entered into in the event the litigation is adjusted between the Prison Commission and the Imperial Sugar Company, involved in cause No. 7151, on the docket of the district court of Fort Bend county, wherein the Imperial Sugar Company is plaintiff, and Ben E. Cabell et al. are defendants, in which the plaintiff is seeking to recover 5435 acres of land known as the Imperial farm, belonging to the State.

16. The passage of an act amending Article 7137 of the Revised Civil Statutes of 1911, prescribing the term of office of constables and regulating the number of their deputies.

17. The passage of an act to amend Sections 3, 4, 7, 10 and 12, of Chapter 173 of the Acts of the Regular Session of the Thirty-third Legislature, relating to prospecting and developing minerals on lands owned by the State of Texas, and by the public free school fund, and the University and Asylum funds, so as to amend the provision which limits the leasing of such lands for oil and gas development to 200 acres when said lease is within ten miles of a producing oil or gas well, by increasing the maximum number of acres that can be leased to any one person, firm or corporation to not exceed 1000 acres.

18. The passage of an act to prohibit the creation of deficiencies and debts in the name of the State regents, directors, officers or members by governing boards of educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or creating any debt inconsistent with existing laws; making invalid all such contracts and debts; prohibiting the diverting of funds, and providing penalties for violations of such an act.

19. The passage of an act in compliance with the recommendation of the Democratic State platform creating the position of public highway engineer, with jurisdiction and authority to co-operate with county officials in laying out and building better public roads, and providing for the levying and collection of

a just and equitable tax from automobile owners; providing that said tax when collected shall be paid into the State Treasury and credited to the "Good Roads Fund"; and providing further that upon the recommendation of the highway engineer and on the approval of the Governor, the money derived from the automobile tax may be used in the construction of substantial and first-class roads and public highways in those communities or counties which are willing, either by county taxes or public contributions, to supplement the allowance from said highway tax fund with double the amount appropriated from said fund.

20. The passage of an act providing for the abolition of drainage districts heretofore organized, or that may hereafter be organized under the general laws of the State of Texas, and providing for a method for the collection of claims or debts against such districts.

21. The passage of an act to redistrict the State into eight Supreme Judicial Districts so as to equalize the work of the eight Courts of Civil Appeals.

22. The passage of a bill to be entitled "An Act providing for the construction of necessary buildings for the University of Texas; for the raising of the necessary funds for such purpose by the creation of the University of Texas Building Fund out of the income of the permanent University endowment and other revenue producing funds and out of the other sources of revenue from properties of the University and the issuance and sale of certificates against said University of Texas Building Fund so created; and authorizing the expenditure of the proceeds of said certificates in payment for the construction of the buildings authorized and permitted under the act; creating the Board of Building Commissioners, whose duty it is to supervise the construction of the necessary buildings under the act and the expenditure of the funds provided therefor, and further defining the duties and authority of said Board of Building Commissioners and fixing their salary; prescribing certain duties for carrying into effect the provisions of this act of the Governor of the State, the Attorney General, the Superintendent of Public Instruction, the President of the University of Texas and the President of the Board of Regents of the University of Texas, and conferring certain authority upon the Board of Regents of the University of Texas; making an appropriation of funds derived from the sale of the certificates herein provided for

for the erection of the buildings and carrying out the provisions of this act, and declaring an emergency."

23. The passage of an act authorizing the Governor, under conditions to be prescribed, to sell to J. J. Kane of the city of Galveston, his heirs and assigns, or to any other person, his heirs or assigns, any right, title or claim the State of Texas has in and to certain submerged plats or land under water on the shores of Galveston bay in Galveston county, for the purpose of the construction of a dry dock or marine railways.

24. The passage of an act amending Article 4893, Title 71, Chapter 9, of the Revised Civil Statutes of the State of Texas, 1911, as amended by Chapter 104, General Laws passed by the Regular Session of the Thirty-third Legislature, relating to co-insurance; and the passage of an act amending Chapter 105, General Laws passed by the Regular Session of the Thirty-third Legislature, known as the "Technicality Act."

25. The passage of an act amending Chapter 67, General Laws passed by the Regular Session of the Thirty-third Legislature, which chapter relates to intoxicating liquors and prohibits the intra-state shipment of same into prohibition territory, so that the provisions of said chapter will permit the shipment of alcohol into prohibition districts to druggists for use in compounding prescriptions only; and to permit the shipment of wines into such prohibition districts for sacramental purposes; to make provisions prohibiting the shipment of intoxicating liquors for other purposes into prohibited territory from interstate points; and to further amend the act so as to permit the shipment of intoxicating liquors from one point in the State where it is licensed to be sold to individuals at other points in the State where its manufacture and sale is not prohibited.

26. The passage of an act to amend Articles 7435, 7442, 7451 and 7452, of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or places of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6:00 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6:00 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any



penal law of this State relating to retail liquor dealers.

In presenting this subject for legislation it is intended only that the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold be fixed so as to conform the civil statute herein referred to to the hours prescribed in Article 615, Title 11, Chapter 8, of the Penal Code, as amended by Chapter 75, General Laws of the Regular Session of the Thirty-third Legislature.

27. The passage of an act to set apart a portion of Harbor Island for a State quarantine station and providing for the relinquishment of inchoate rights and refunding of payments made on such rights.

28. The passage of an act redistricting the State into thirty-one Senatorial Districts, as provided by the Constitution.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Johnson:

Senate bill No. 21, A bill to be entitled "An Act adding to and making a part of the Memphis Independent School District of Hall county, Texas, certain lands and territory adjoining thereto situate in Hall county, and adding thereto and making a part thereof certain lands and territory adjoining thereto situate in the county of Collingsworth, all for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territory and the inhabitants thereof; requiring such board of trustees to levy, assess, collect and pay into the Treasury annually a proportional part of a certain tax fund existing on part of said territory, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Johnson:

Senate bill No. 22, A bill to be entitled "An Act to create a more efficient road system for Hall county, Texas, and making the commissioners court of said county ex-officio road commissioners in their respective precincts, making this act cumulative, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Hudspeth:

Senate bill No. 23, A bill to be entitled "An Act to name the several counties composing the Sixty-third Judicial District and fix the time for holding district courts therein and to repeal all laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Gibson (by request):

Senate bill No. 24, A bill to be entitled "An Act to amend Section 5695, Revised Statutes of Texas of 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's liens on real estate, and providing that said sections shall hereafter read as follows, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Bailey of De Witt:

Senate bill No. 25, A bill to be entitled "An Act to authorize the Governor, Attorney General and Land Commissioner to lease the water rights in the Guadalupe river in De Witt county upon such terms and for such consideration as they may prescribe, and providing priority of interest in leasing and also providing means of adjusting damage for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation; the manner of measuring water and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made and fixing the rights of purchasers of said leaseholds, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senators Brelsford, Warren and Bailey of DeWitt:

Senate bill No. 26, A bill to be entitled "An Act to amend Article 6002, Title 97, Revised Statutes of Texas, 1911, providing for the appointment of notaries public, and declaring an emergency."

Read first time and referred to Committee on State Affairs.



By Senators Westbrook, Collins, Brelsford, Townsend, Hudspeth and Nugent:

Senate bill No. 27, A bill to be entitled "An Act to amend Chapter 1, Title 11, of the Revised Civil Statutes of this State, of 1911, relating to attachments, by adding thereto 247a, providing for the issuance of attachments in suits founded in tort and upon unliquidated demands, and providing for the fixing of the amount of bond in such cases, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator McNealus:

Senate bill No. 28, A bill to be entitled "An Act to amend Chapter 41, Acts of the Twenty-ninth Legislature, as amended by the Thirtieth Legislature, being 'An Act to create a more efficient road system for Dallas county,' and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator Nugent:

Senate bill No. 29, A bill to be entitled "An Act to prohibit the creation of deficiencies or debts in the name of the State by regents, directors, officers or members of governing boards of any of the educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or the creating of any debt inconsistent with existing laws, making invalid all such contracts and debts, prohibiting the diverting of funds, providing for penalties for violations of this act, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator McGregor:

Senate bill No. 30, A bill to be entitled "An Act to amend Sections 28 and 53, of Article 30, of Title 5, of the Revised Statutes of Texas, 1911, and to change and prescribe the time for holding the district court in the Twenty-sixth Judicial District of the State of Texas and the Fifty-third Judicial District of the State of Texas, and to define the jurisdiction of said courts, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third District Courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial district courts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit grand juries of

such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial District.

By Senator Darwin:

Senate bill No. 31, A bill to be entitled "An Act to create a special district court for the Fifth Judicial District of Texas; to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court to the district court in said district to such changes, as are made in the jurisdiction of the said court by this bill, to empower the judge of said special district court and the judge of the Fifth Judicial District to transfer cases from their respective courts to the other of said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency."

By Senator Watson:

Senate bill No. 32, A bill to be entitled "An Act to amend Article 4954, Title 71, Chapter 15, of the Revised Civil Statutes of the State of Texas, 1911, so that the terms 'special or board contract or similar provision' shall be construed to have a technical meaning and not a literal meaning, and declaring an emergency."

Read first time and referred to Committee on Insurance, Statistics and History.

By Senator Willacy:

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower San Patricio county or any political subdivision or any defined district now or hereafter to be described and defined, of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision, or any defined district now or hereafter to be described and defined, thereof, voting thereon to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, or any defined district now or hereafter to be described and defined, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating

macadamized, gravelled or paved roads, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Willacy:

Senate bill No. 34, A bill to be entitled "An Act to create and establish the county of Lott, in honor of Uriah Lott, taken from the existing territory of Duval county, prescribing its area and boundaries, providing that all laws and parts of laws in conflict herewith shall have no application, and declaring an emergency."

Read first time and referred to Committee on Counties and County Boundaries.

By Senator Willacy:

Senate bill No. 35, A bill to be entitled "An Act appropriating the sum of five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Warren:

Senate bill No. 36, A bill to be entitled "An Act to amend Sections 2, 8, 9 and 12, of 'An Act to authorize and empower Kaufman county, or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, gravelled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Carter:

Senate bill No. 37, A bill to be entitled "An Act to amend Sections 3, 4 and 10, of Chapter 173, of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, approved April 9, 1913, relating to the development of minerals in public lands."

Read first time and referred to Judiciary Committee No. 1.

By Senator Carter:

Senate bill No. 38, A bill to be entitled "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand, etc., and declaring an emergency."

Read first time and referred to Committee on Commerce and Manufactures.

By Senator Warren:

Senate bill No. 39, A bill to be entitled "An Act providing for the construction of necessary buildings for the University of Texas; for raising the necessary funds for such purpose by the creation of the University of Texas Building Fund; prescribing certain duties for carrying into effect the provisions of this act of the Governor of the State, the Attorney General, the Superintendent of Public Instruction, the president of the University of Texas and the president of the board of regents of the University of Texas, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Wiley:

Senate bill No. 40, A bill to be entitled "An Act to amend Article 911 of the Penal Code of the State of Texas, as amended at the Regular Session of the Thirty-third Legislature, Chapter 135, page 268, Acts of the Thirty-third Legislature, so as to prevent taking fish or terrapin by drag seine during the breeding season and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, and in all streams and canals leading from one body of salt water to another body of salt water in the State of Texas; to empower the Game, Fish and Oyster Commissioner to close waters against seining and netting under certain conditions, and to prevent seining during the breeding season in salt waters, and providing penalty for the violation of this act, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senators Terrell and Darwin:

Senate bill No. 41, A bill to be entitled "An Act creating a State Highway Department, and establishing a State Highway Commission and the office of a State Highway Engineer, prescribing the duties of each, and fixing the compensation of said State Highway Engineer, requiring the registration of motor vehi-

cles, prescribing rules and regulations thereof, authorizing said Commission to issue licenses and assign numbers to owners of said motor vehicles, fixing the fees charged therefor, and providing for penalties for violation thereof, making appropriation to carry out the provisions of this act, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

#### AT EASE.

The Senate was here at ease subject to call, on motion of Senator Watson.

The Senate was called to order at 4:55 o'clock p. m. by President Pro Tem. Carter.

#### REPORT OF COMMITTEE ON PRIVILEGES AND ELECTIONS.

Committee Room,  
Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, a majority of your Committee on Privileges and Elections, to whom was referred the contest of C. A. Wheeler vs. A. C. Oliver for a right to a seat in the Senate of Texas, under the provisions of a resolution introduced August 6, 1913, and adopted on same date, beg leave to report that we have had the same under consideration and are instructed to report the same back to the Senate with the following recommendation:

That upon hearing said contest, including the testimony of all witnesses offered by the contestant therein, as also the arguments of council, we are of the opinion that A. C. Oliver received the plurality of the votes cast by the electorate of the First Senatorial District; and further, that the said A. C. Oliver is entitled by reason of said plurality to a seat in the Senate of Texas.

We further recommend that this report be adopted and that the same be published in the Journal.

Notice was duly given of a minority report.

McGREGOR, Chairman.

To the Senate of Texas:

We, a minority of your Committee on Privileges and Elections, to whom was referred the contest of C. A. Wheeler against A. C. Oliver for the Senatorial seat from the First District

of Texas, beg leave to submit the following report:

It being admitted by contestant and contestee both that a great many ballots were cast and counted, including all the ballots cast at Douglasville, the home of contestee, upon which the presiding judge did not write his name, as plainly required by law, and that many of the ballots were not numbered as plainly required by law; and, whereas, under the evidence and agreements before us it is impossible to determine who, if anybody, was elected, and we are constrained to believe from said evidence that no legal election was held to fill the vacancy in many parts of said Senatorial District. Therefore, be it

Resolved, That we recommend to the Senate that it decline to seat either the contestee or contestant, but refer the matter back to the people of the First Senatorial District.

BRELSFORD,  
WARREN,  
TAYLOR,  
TOWNSEND,  
COLLINS,  
JOHNSON,  
LATTIMORE,  
GREER,  
DARWIN,  
McNEALUS,  
CONNER,  
COWELL,  
WILEY,  
WESTBROOK.

The above committee report was read and Senator Townsend made the point of order on same that it was not in compliance of the resolution referring same to the committee.

The Chair, President Pro Tem. Carter, sustained the point of order.

Senator Townsend moved that the chairman of the Committee on Privileges and Elections be instructed to file a copy of the testimony, etc., in accordance with the resolution providing for referring the matter to the committee, and that same be printed in the Journal, which motion prevailed.

The above reports were read, and

Senator Hudspeth moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this report.

The motion prevailed by the following vote:

Yeas—25.

Astin.	Brelsford.
Bailey of De Witt.	Carter.
Bailey of Harris.	Clark.

Collins.	Nugent.
Darwin.	Real.
Gibson.	Taylor.
Greer.	Terrell.
Harley.	Townsend.
Hudspeth.	Warren.
Johnson.	Watson.
Lattimore.	Wiley.
McGregor.	Willacy.
Morrow.	

Nays—3.

Conner.	Westbrook.
McNealus.	

Absent.

Cowell.

Senator Watson moved that the majority committee report be adopted.

Senator Lattimore moved, as a substitute, that the minority report be adopted.

Senator Brelsford moved the previous question on the pending motions, which motion being duly seconded, was so ordered.

Action recurred on the substitute motion to adopt the minority committee report, and the same was lost by the following vote:

Yeas—12.

Brelsford.	Lattimore.
Collins.	Taylor.
Conner.	Townsend.
Darwin.	Warren.
Greer.	Westbrook.
Johnson.	Wiley.

Nays—14.

Astin.	Hudspeth.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	Morrow.
Carter.	Nugent.
Clark.	Real.
Gibson.	Terrell.
Harley.	Watson.

Present—Not Voting.

McNealus.

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Cowell (absent), who would vote "yea."

The majority committee report was then adopted.

Senator Watson moved to reconsider the vote by which the majority committee report was adopted and lay that motion on the table.

The motion to table prevailed.

Senator Watson moved that the Chair appoint a committee to escort Senator-

elect Oliver to the President's stand, which motion prevailed.

The Chair appointed Senators Lattimore, Brelsford and Hudspeth as the committee, whereupon Senator Oliver was escorted to the President's stand, at which time the constitutional oath of office was administered him by Lieutenant Governor Mayes. Senator Oliver was introduced to the Senate and spoke briefly.

(Lieutenant Governor Mayes in the chair.)

## SENATE BILL NO. 26.

(By Unanimous Consent.)

On motion of Senator Brelsford, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering Senate bill No. 26 (see Appendix for committee report).

On motion of Senator Brelsford, the constitutional rule requiring bills to be read on three several days was suspended and Senate bill No. 26 put on its second reading by the following vote:

Yeas—23.

Astin.	Lattimore.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Nugent.
Brelsford.	Oliver.
Carter.	Real.
Clark.	Townsend.
Collins.	Warren.
Conner.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

Absent.

Cowell.	Morrow.
Darwin.	Taylor.
Gibson.	Terrell.
McGregor.	

The Chair laid before the Senate, on second reading,

Senate bill No. 26, A bill to be entitled "An Act to amend Article 6002, Title 97, Revised Statutes of Texas, 1911, providing for the appointment of notaries public, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Brelsford, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—23.

Astin.	Lattimore.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Terrell.
Clark.	Townsend.
Collins.	Warren.
Conner.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

## Absent.

Cowell.	Oliver.
Darwin.	Real.
Gibson.	Taylor.
McGregor.	

The bill was read third time and passed by the following vote:

## Yeas—24.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Terrell.
Collins.	Townsend.
Conner.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Cowell.	Oliver.
Darwin.	Real.
McGregor.	Taylor.

Senator Brelsford moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 16.

Senator Bailey of Harris asked unanimous consent to take up Senate bill No. 16, and there was objection, and

Senator Bailey of Harris moved to suspend the regular order of business, Senate bill No. 10, and take up Senate bill No. 16, out of its order, which motion was adopted by the following vote:

## Yeas—20.

Astin.	Carter.
Bailey of Harris.	Clark.
Brelsford.	Collins.

Gibson.	Nugent.
Greer.	Terrell.
Harley.	Warren.
Hudspeth.	Watson.
Johnson.	Westbrook.
McNealus.	Wiley.
Morrow.	Willacy.

## Nays—3.

Conner.	Townsend.
Lattimore.	

## Absent.

Bailey of De Witt.	Oliver.
Cowell.	Real.
Darwin.	Taylor.
McGregor.	

The Chair laid before the Senate, on second reading,

Senate bill No. 16, A bill to be entitled "An Act on the subject of private corporations, authorizing the chartering of corporations for the purpose of acquiring, improving, subdividing and selling unimproved lands within the State of Texas under the terms, conditions and limitations prescribed in this act; the said corporations to be known as 'colonization companies'; and all corporations organized under the provisions of this act, or which accept the provisions of the same, shall be under the supervision of the Commissioner of Banking and Insurance; prescribing the powers, duties and limitations of said corporations; requiring the same to make reports; prescribing the amount of franchise taxes to be paid; prescribing the terms and conditions under which corporations now in existence chartered for other purposes may accept the provisions of this act and exercise the powers and privileges thereof; prescribing the terms and conditions on which foreign corporations chartered for the same purpose may be admitted to do business in this State, and prescribing the powers, duties and privileges of said foreign corporations, and prohibiting any foreign corporation granted a permit to do business in this State from acquiring, improving, subdividing or selling real estate except as an agent for the owner of said lands; prescribing the procedure to be pursued against companies violating the provisions of this act; and further providing that any foreign corporation doing business in this State under a permit that without the consent of the other party to the litigation shall remove a suit or proceeding brought by or against it in a State court to any Federal court or shall institute any suit in a Federal court against any domestic corporation



or citizen in this State, shall have its permit canceled and it shall be barred from doing business in this State, and declaring an emergency."

Senator Collins offered the following amendment:

Amend the bill, as follows: In line 15, page 3, strike out the word "prairie" and after the word "years," in line 17, same page, strike out all after the word "years" down to and including the word "years," in line 19, page 3.

Senator Bailey of Harris moved to table the amendment, which motion to table was lost by the following vote:

Yeas—8.

Bailey of De Witt.	Nugent.
Bailey of Harris.	Oliver.
Carter.	Terrell.
Hudspeth.	Watson.

Nays—16.

Astin.	Johnson.
Clark.	Lattimore.
Collins.	McNealus.
Conner.	Morrow.
Darwin.	Taylor.
Gibson.	Townsend.
Greer.	Westbrook.
Harley.	Wiley.

Present—Not Voting.

Brelsford.	Real.
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Absent.

Cowell.	Warren.
McGregor.	Willacy.

The amendment was then adopted.

#### ADJOURNMENT.

Senator Townsend, at 6 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Carter moved that the Senate recess until 8 o'clock tonight.

Action recurred on the longest time first, and the motion to adjourn until 10 o'clock tomorrow morning prevailed by the following vote:

Yeas—16.

Astin.	Harley.
Brelsford.	Lattimore.
Clark.	McNealus.
Collins.	Nugent.
Conner.	Terrell.
Darwin.	Townsend.
Gibson.	Westbrook.
Greer.	Wiley.

Nays—11.

Bailey of De Witt.	Oliver.
Bailey of Harris.	Real.
Carter.	Taylor.
Hudspeth.	Warren.
Johnson.	Watson.
Morrow.	

Absent.

Cowell.	Willacy.
McGregor.	

#### APPENDIX.

#### COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 28, A bill to be entitled "An Act to amend Chapter 41, Acts of the Twenty-ninth Legislature, as amended by the Thirtieth Legislature, being an act to create a more efficient road system for Dallas county, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, McNealus, Townsend, Harley, Morrow.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 36, A bill to be entitled "An Act to amend Sections 2, 8, 9 and 12 of an act to authorize and empower Kaufman county, or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of

constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work adopted at the Regular Session of the Thirty-third Legislature, 1913, providing for a tax levy of 25 cents on the one hundred dollars of assessed property values, instead of the 15 cents incorporated in the aforesaid act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Taylor, McNealus, Townsend, Harley, Morrow.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 22, A bill to be entitled "An Act to create a more efficient road system for Hall county, Texas, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, McNealus, Townsend, Harley, Morrow.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Counties and County Boundaries, to whom was referred

Senate bill No. 34, A bill to be entitled "An Act to create and establish the county of Lott, in honor of Uriah Lott, taken from the existing territory of Duval county, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Johnson, Conner, Willacy, Brelsford, Darwin.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads,

Bridges and Ferries, to whom was referred

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower San Patricio county or any political subdivision or any defined district now or hereafter to be described and defined, of said county by a vote of two-thirds majority of the resident property taxpayers qualified voters of such county or political subdivision, or any defined district now or hereafter to be described and defined thereof, voting thereon to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, or any defined district now or hereafter to be described and defined, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work; providing the manner of establishing defined districts; repealing Chapter 64 of the Acts of the Regular Session of the Thirty-third Legislature, being Senate bill No. 295; providing for the election of boards of permanent road commissioners and their duties, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, Taylor, McNealus, Harley, Townsend, Morrow.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 26, A bill to be entitled "An Act to amend Article 6002, Title 97, Revised Statutes of Texas, 1911, providing for the appointment of notaries public, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Brelsford, Chairman; Townsend, Darwin, Westbrook, Terrell, Gibson, Watson.

(Floor Report.)

Austin, Texas, August 12, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 18, A bill to be entitled "An Act to reorganize the Thirty-fourth Judicial District of Texas, to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas, providing for the returning of the process issued and to be issued by said courts, validating process heretofore issued by said court, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Nugent, Collins, Brelsford, Bailey, Greer, Carter, Morrow, Taylor.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 21, A bill to be entitled "An Act adding to and making a part of the Memphis Independent School District of Hall county, Texas, certain lands and territory adjoining thereto, situate in Hall county, and adding thereto and making a part thereof certain lands and territory adjoining thereto, situate in the county of Collingsworth, all for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territory and the inhabitants thereof; requiring such board of trustees to levy, assess, collect and pay into the treasury annually a proportional part of a certain tax fund existing on part of said territory, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Johnson, Chairman; Darwin, Wiley, Harley, Astin, Real, Clark.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Penitentiaries, to whom was referred

House bill No. 18, A bill to be entitled "An Act to repeal Article 6214 of the Revised Statutes of 1911, to amend Article 6215, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners of the State penitentiary system need not be paid for Sunday labor; to amend Article 6220, Title 104 of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, and amending Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, but only to the nearest depot to the point from whence sentenced, or an equal distance,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, with the engrossed rider, and be not printed.

Hudspeth, Chairman; Nugent, Taylor, Harley, Greer, Bailey of DeWitt, Warren, Real, Bailey of Harris, Clark.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 32, A bill to be entitled "An Act to amend Article 4954, Title 17, Chapter 15, of the Revised Civil Statutes of the State of Texas, 1911, so that the terms "special or board contract or similar provision" shall be construed to have a technical meaning and not a literal meaning, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Real, Clark, Harley, Bailey of DeWitt, Hudspeth.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 25, A bill to be entitled "An Act to authorize the Governor, Attorney General and Land Commissioner to lease water rights in the Guadalupe river, in DeWitt county, upon such terms and for such consideration as they may prescribe, and providing priority

of interest in leasing, and also providing means of adjusting damages for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation, the manner of measuring water, and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made, and fixing the rights of purchasers of said leaseholds, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and that the same be not printed, for the reason that same may be found printed on pages 69 to 71, inclusive, of the General Laws of the Thirty-third Legislature, passed at the Regular Session of same in 1913.

Morrow, Chairman; Lattimore, Hudspeth, Carter, Wiley, Greer, Watson, Brelsford, Clark.

Committee Room,

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred Senate bill No. 19, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that same be printed in the Senate Journal.

ASTIN, Chairman.

Following is the bill in full:

S. B. No. 19. By Conner and Carter  
(by request).

#### A BILL

To Be Entitled

An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled "An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas; to provide for proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency,' and providing further for a governing board for the

Texas Agricultural Experiment Stations, defining the place of residence of the Director of Texas Experiment Stations, and declaring an emergency"; providing for the payment of the salary of the Director of said Experiment Stations, defining his powers and duties and also the powers and duties of the governing board and fixing their terms of office; also providing that the Texas State Agricultural Experiment Station located at the Agricultural and Mechanical College in Brazos county shall remain under the control of the Board of Directors of the Agricultural and Mechanical College, and authorizing the board to receive from the Federal government the aid that has been or may hereafter be available for it under an Act of Congress, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas be and the same is hereby amended to read as follows:

Sec. 2. There shall be established at such places in the State of Texas as the board hereinafter named may deem proper experiment stations in addition to those now in operation for the purpose of making experiments, and conducting investigations in the planting and growing of agricultural and horticultural crops, and soils, and the breeding, feeding and fattening of live stock for slaughter.

Sec. 3. The experiment station located at the Agricultural and Mechanical College in Brazos county which is in part supported by the Federal government shall remain at said point as a permanent institution. It shall be known as the Main or Principal State Experiment Station and it shall continue, as heretofore, under the supervision of the Board of Directors of the Agricultural and Mechanical College of Texas, which board shall have the authority to accept from the Federal government such aid, in its support, as is now or which may hereafter be provided by Congress. All other experiment stations of whatever character which may have heretofore been, or which may hereafter be, established, as provided in this act, shall be considered as sub-stations.

Sec. 4. Said sub-experiment stations shall be governed by a board consisting of four persons who shall be qualified

voters, to be known as the governing board, one of whom shall be the Lieutenant Governor and the other three shall be appointed by the Governor with the advice and consent of the Senate. The members of the governing board heretofore appointed by the Governor shall continue to exercise their duties until the appointment and qualification of their successors.

Sec. 5. With the exception of the Lieutenant Governor, the governing board shall be divided by lot into three classes, numbered one, two and three as determined by the board at its first meeting after this act takes effect. The person drawing number one shall hold office until the Regular Session of the Thirty-fourth Legislature and until the appointment and qualification of his successor; the person drawing number two shall hold office until the Regular Session of the Thirty-fifth Legislature and until the appointment and qualification of his successor, and the person drawing number three shall hold his office until the Regular Session of the Thirty-sixth Legislature and until the appointment and qualification of his successor. The Governor shall fill all vacancies as they occur for any unexpired term, subject to the approval of the Senate. The terms of office of all appointees on said board thereafter shall be made for six years.

Sec. 6. With the approval of the Governor, the governing board shall have power:

(a) To establish sub-experiment stations at such places in the State of Texas as it shall deem proper in addition to those now in operation.

(b) To abandon or discontinue any sub-station which is now or which may hereafter become undesirable for experiment purposes, and, if deemed necessary, may establish others in their stead at such place or places in the State of Texas as it shall deem advisable.

(c) To sell any land or other property of the State of Texas owned or used by it in the operation of an experiment station, when such station is abandoned as herein provided, the proceeds from the sale of which may be applied by said board in the purchase of other land and property for the establishment of an experiment station. In the event of any such sale being made, the title to said property shall not pass from the State until a deed of conveyance therefor is made to the purchaser duly signed by the Governor and attested by the Secretary of State under his official seal, who

are hereby authorized to execute the same. All funds received from the sale of said station land or other property shall be deposited in the State Treasury in an account known as "the experiment station fund," and to be paid out in accordance with the provisions of this act, upon voucher, as prescribed in Section 16 of this act, for experiment station accounts.

Sec. 7. The said governing board shall also have power to accept and receive all donations in money or other property when given to be used in connection with any experiment work authorized by this act.

Sec. 8. In the location of any experiment station said board may take into consideration and receive any donation, either in money, land or other property, to be used in the operation, equipment or management of any such station, and, for experiment work, may lease such land as may, in its judgment, be necessary for any of the purposes named in Section 2 of this act.

Sec. 9. All sub-experiment stations, including those heretofore as well as those hereafter established shall be subject to the provisions of this act and shall be under the supervision, control, management and direction of the director of the Texas Agricultural Experiment Station at the Agricultural and Mechanical College, whose residence shall be at College Station, Brazos county, Texas.

Sec. 10. The director of the Texas Agricultural Experiment Station may employ such assistants and labor and may purchase such live stock, farming implements, tools, seed and such other materials and supplies as he shall deem necessary to the successful management of all or any of such experiment stations, subject to the approval of the governing board.

Sec. 11. Proceeds from the sale, barter or exchange of crops raised on any of said experiment stations shall go to defray the expenses of operating the same. The director shall make a complete report monthly to the governing board showing receipts and disbursements, the source of such receipts and for what the same were disbursed.

Sec. 12. It shall be the duty of the director of Texas Agricultural Experiment Stations to issue and circulate among the farmers and live stock raisers of the State of Texas, from time to time, as may be deemed beneficial to such industries, printed bulletins showing the results of such experiments, such bulletins to be mailed to such persons as



may desire them. Said bulletins shall also show the results accomplished and the progress made in the improvement of the agricultural and live stock interests of the State. He shall also invite their co-operation and shall give them advice when requested with reference to the management and cultivation of their farms, and also of the care, management and feeding of their stock. It shall also be the duty of the director of said stations to make to the governing board, annually, on or before the first day of January, a full and detailed report of the operation of said stations, including a statement of receipts and expenditures, which report shall be transmitted to the Governor with such additional report as the board shall deem proper.

Sec. 13. In addition to the duties hereinbefore prescribed it shall be the duty of the governing board to visit said experiment stations at least once each year; it shall make such criticisms to the director and his assistants as it shall deem expedient and needful.

Sec. 14. The governing board is hereby authorized to pay a part of the director's salary from funds appropriated by the Legislature for the maintenance and support of said experiment stations in such proportion, as in its judgment may be just and proper, taking into consideration the division of his time between said sub-stations and the main station at the Agricultural and Mechanical College and the sum appropriated for such purposes from the Federal appropriation.

Sec. 15. The necessary traveling expenses of the members of the said governing board and those of the director and of his assistants, shall be paid out of funds appropriated by the State of Texas for the maintenance and support of said experiment stations. In addition to their actual traveling expenses, the members of said board when traveling upon the official business of said stations shall each be paid five dollars per day while actually engaged in the discharge of their duties.

Sec. 16. Before warrants are issued by the State Comptroller in payment of State experiment station accounts, vouchers covering the same shall be audited and signed by the director or by an assistant designated by him in writing for that purpose, and also by the president of the board herein created, or by a member of said board designated by him in writing for that purpose.

Sec. 17. That all laws and parts of

laws in conflict with this act be, and the same are hereby repealed.

Sec. 18. The fact that the law hereby amended is in conflict with the Federal statutes providing for a governing board of the principal Federal agricultural experiment stations in the several States, and particularly with the main or principal agricultural experiment station located at the Agricultural and Mechanical College of Texas, in Brazos county, and the fact that the present law makes no provision for the payment of the expenses of any member of the governing board except that of the president, nor the salary and traveling expenses of the director of Texas agricultural experiment stations, create an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be, and the same is hereby suspended, and this bill placed on its third reading and final passage, and it is so enacted.

Committee Room,

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred Senate bill No. 20, have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and that it be printed in the Senate Journal.

ASTIN, Chairman.

Following is the bill in full:

S. B. No. 20.

By Gibson, Taylor, Hudspeth, Brelsford, Darwin, Collins, Nugent.

A BILL

To Be Entitled

An Act to create a State bonded warehouse system and afford a method of co-operative marketing for those engaged in the production of farm and ranch products; and for the purpose of effectuating this end the creation of a State Warehouse Commission; specifying that said commission shall be composed of two members to be appointed by the Governor and a third member to be the Commissioner of Agriculture; defining the authority of of visitation over corporations chartered under this act; as a part of the system authorizing the formation of State bonded warehouse corporations to be under the supervision and con-

trol of the State Warehouse Commission; defining the purposes, power and authority of such corporations and regulating the chartering, management and business of the same; defining and prescribing the receipts to be issued by State bonded warehouse corporations and the law, rules and regulations regulating the same, and defining the rights of all parties relative to and concerning such receipts; stating the businesses which may be conducted by State bonded warehouses as incidents of their warehouse business; declaring gins to be subject to public use and requiring that all gins in the State after July 31, 1914, shall obtain a license from the State Warehouse Commission, and prescribing certain rules and regulations relative to the ginning and baling of cotton and sampling the same; authorizing the warehouse commission to employ the necessary clerical help, office force and examiners and creating the office of warehouse examiner and defining their authority and compensation; prescribing the salaries of the members of the State Warehouse Commission and the additional compensation of the Commissioner of Agriculture as a member of such commission; conferring certain additional duties and authority on the Commissioner of Agriculture and the Governor of the State, and creating and defining offenses in violation of the act, and prescribing penalties therefor; making an appropriation to carry the act into effect, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The purpose of this act is to provide a system of State bonded warehouses and to afford a method of co-operative marketing for those engaged in the production of farm and ranch products.

Sec. 2. For the purpose of carrying into effect the general purpose of this act there is hereby created a State warehouse commission, which shall be composed of the Commissioner of Agriculture, who shall be chairman thereof, and two members to be appointed by the Governor by and with the advice of the Senate, subject to removal as provided for the removal of State officers by the Revised Statutes of Texas. The members of said commission other than the Commissioner of Agriculture shall be appointed as herein provided within thirty days after this act takes effect. The terms of office of the mem-

bers of this commission other than that of the Commissioner of Agriculture shall be six years, or until their successors are appointed and qualify, provided that the terms of office of the two members first appointed after this act takes effect shall begin on the day this act goes into effect, and one of them shall serve four years and one six years; their terms to be decided by lot after they shall have qualified, but thereafter the terms of each of said appointive commissioners shall be six years; provided, further, that neither commissioner shall after his appointment engage in the business of a warehouseman, commission merchant, cotton merchant or cotton broker.

Sec. 3. The State Warehouse Commission shall have a seal similar to that of the Commissioner of Agriculture, except that the same shall be appropriately worded to show that it is the seal of the State warehouse commission.

Sec. 4. The members of the said commission, other than the Commissioner of Agriculture, shall each receive as compensation for their services, the sum of \$4000 per annum; and the Commissioner of Agriculture shall receive as compensation or salary for the additional services assigned to him under this act the sum of \$1500 in addition to his compensation as now fixed by law such salary of such two appointed members of said commission, and the said addition to the salary of the Commissioner of Agriculture, together with the necessary compensation of experts, examiners, clerical help, organizers and other persons employed by the commission, and all necessary traveling expenses and such other expenses as may be necessary, incurred in carrying out the provisions of this act, shall be paid by warrants drawn by the Comptroller upon the State Treasurer upon the order of the said commission; provided, that the total amount of all salaries and said other expenses shall not exceed the sum of \$50,000 for the two years ending August 31, A. D. 1915, and said sum, or so much thereof as may be needed, is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the two fiscal years beginning September 1, 1913, and ending August 31, 1915.

Sec. 5. For the purpose of facilitating the work of the commission, the commission shall have authority to appoint a secretary, who shall keep the records, minutes and books of the Commission,

and do such other work as may be assigned him by the commission. The commission shall have authority to employ such clerks, stenographers, experts, examiners and such other help as may be necessary in carrying out the provisions of this act. All the members of the commission, and all warehouse examiners appointed by them, shall have authority to administer oaths and may upon their warrants as examiners of the commission, at any time, examine into the affairs of any corporation created under this act. All those employed by the commission for any purpose, shall receive such salary and compensation as may be fixed by the commission, except where the compensation is fixed by this act, and in addition thereto, shall, when traveling, receive their actual necessary traveling expenses.

Sec. 6. It shall also be the duty of said commission personally, so far as possible, and also by organizers employed and paid by it, to promote the organization of corporations under this act. In this respect the commission and its organizers shall be active in their efforts.

Sec. 7. The State Warehouse Commission shall be furnished sufficient room and office space in the Capitol, to be assigned to them by the Superintendent of Public Buildings and Grounds.

Sec. 8. All public cotton gins are declared to be charged with a public use, and shall not be permitted to operate except under a license obtained from the State Warehouse Commission under the terms and provisions of this act, on and after July 31, 1914.

Sec. 9. All those who operate now, or may operate hereafter any public cotton gin or gins in this State, whether corporations or individuals, shall after July 31, 1914, or if their gins are erected after said date, then before they begin ginning cotton for the public, obtain from the State Warehouse Commission a public ginner's license, which license shall show that they have complied with the provisions of this act, and that they are authorized to gin cotton for the public, which license shall be renewed each year. In order to obtain said license, application shall be made to the State Warehouse Commission, which application shall show the capacity of each gin to be operated, and shall state the location of the gin, and the postoffice address of the person, persons or corporation owning and operating the same, and which said application shall be accompanied by a bond signed by the person or persons or corporation operating said gin, and by two

solvent sureties, or by a bonding company engaged in business in the State of Texas, in an amount not less than \$1000; provided further, that gins having a capacity of more than five hundred bales per ginning season, and less than two thousand bales per season, shall give a bond in the sum of \$2500, and those having a capacity of exceeding twenty-five hundred bales per season, shall give a bond in the sum of \$10,000; said bonds shall be upon a form prescribed by the State Warehouse Commission, shall be payable to the State of Texas, for the use and benefit of all who may have a cause of action against the maker thereof under the terms and provisions of this act, and suit may be brought thereon against the maker thereof in any court of competent jurisdiction in the name of the aggrieved party, without the necessity of joining the State in the suit, but the venue of the act shall be subject to the general venue statutes of the State. No one or more suits shall exhaust the bond, but repeated suits may be brought on one bond until the amount of the same has been exhausted. When the bond has become impaired by reason of any payment thereof, the maker thereof shall be required to give a new bond or make good the impairment, otherwise the State Warehouse Commission shall cancel his license as a public ginner. The condition and obligation in the bond shall be that the samples of cotton taken from each bale of cotton ginned by the gin designated in the bond and in its application for license, is a fair, true and correct sample of the cotton in the bale, and that the bale of cotton has been carefully ginned, and that no foreign matter or substance has been placed in the cotton, nor has any water or anything that would increase the weight thereof, been placed therein during the process of ginning or thereafter while said cotton was in the possession of the gin or ginner. It shall not be necessary to give a new bond each year, but the Commission shall see that the bond is maintained at all times in a solvent condition. Each gin shall pay an annual license fee of five dollars.

Sec. 10. Each licensed and bonded gin under this act shall take from each bale of cotton ginned by it, two fair, true and correct samples of cotton, weighing not less than eight ounces each and place the same in separate receptacles and sealed, so that they may not be opened except by cutting; that with said sample of cotton there shall also be placed a certificate under the signature of the ginner or gin company that said sample is a true, correct and

fair sample, and that the ginner or gin company guarantees it under its bond, and that during the process of ginning said bale no foreign substance, water or anything has been placed in said cotton or thereafter while said cotton was in the possession of the ginner or gin company; that such certificate shall also have the name and address of the party for whom ginned, the name and address of the ginner or gin company, the name of the person upon whose land the cotton was raised and the number of the bale on the books of the said gin company; said samples to be disposed of under the rules of the State Warehouse Commission to be promulgated by them for the suppression of fraud.

Sec. 11. Each and every bale of cotton ginned by a public gin in this State after July 31, 1914, shall be wrapped in bagging so as to completely cover the same, and leave none of the cotton exposed. The bagging in which the same is wrapped shall be of such character of fiber and texture that all the markings placed on same will, under ordinary conditions, remain intact and visible. Each and every licensed and bonded ginner shall have the right to place in letters and figures on the sides of each bale of cotton ginned by him in appropriate letters the following:

No. .... Ginned and baled by Gin No. ...., a licensed and bonded gin, under the laws of the State of Texas, U. S. A.

(Name and address of gin company or ginner.)

The first blank above indicated shall be the number of the bale on the books of the gin ginning the same, and the second blank shall be the number of the gin's license, assigned and given to it by the State Warehouse Commission, and upon the blank indicated for the signature of the gin shall be the name and postoffice address of the gin company or ginner. After the 31st day of July, A. D., 1914, all bagging in which cotton is baled and wrapped by licensed and bonded gins in the State of Texas shall be of material first approved by the State Warehouse Commission, and manufacturers of bagging whose material has been approved, shall have the right to print upon each pattern of bagging words in substance the following:

"This bagging approved by the State Warehouse Commission of the State of Texas."

Sec. 12. The standards of weights and

measures of this State shall be the standard of weights and measures used under the term and provisions of this act. It shall also be the duty of the State Warehouse Commission to establish standards of classification for cotton, corn and all other farm and ranch products of whatsoever kind and character which may be subject to classification, and originals of such standards so established shall be maintained subject to public inspection in the offices of the Warehouse Commission at all times; and duplicates of said standards, as well as the standards of weights and measures, shall be furnished by the State Warehouse Commission to all who may apply therefor upon the payment of the necessary cost thereof; provided, that the standards of classification shall always be the same as those established by the Government of the United States whenever the Government of the United States establishes any such standards of classification.

Sec. 13. Any number of persons not less than ten, who shall be resident citizens of the State of Texas, and sixty per cent or more of whom shall be actually engaged in the business of farming or stockraising, or both of such businesses, may form and incorporate a company under the terms and provisions of this act. All such corporations must have the words "State Bonded Warehouse Company" as a part of their corporate name. Such corporations shall be organized on the mutual plan, and in the manner following.

Sec. 14. When any number of persons, not less than ten, desire to organize a corporation under this act, they shall make application to the State Warehouse Commission for permission to solicit members and organize the corporation. Said application shall contain:

1. The name of the company, which name so selected shall not be similar to that of any other company, as to likely mislead the public.

2. The place of the principal business office of the said company.

3. The kind of business the company proposes to engage in, the statement of which purpose shall be in language substantially as follows:

"The purpose of this corporation is to operate a warehouse under the terms and provisions of an act of the First Called Session of the Thirty-third Legislature providing for the organization of State Bonded Warehouse Companies."

4. The names and places of residence of not less than five of the persons mak-



ing such application for permit and their several occupations.

5. The amount of reserve to be paid into the treasury of the company, which in no event shall be less than two thousand and five hundred dollars.

6. The affidavit of at least one of said applicants stating the place of residence, occupations and names of such applicants accordingly.

Upon the receipt of such application, together with a fee of \$10 in payment for filing the same, the State Warehouse Commission shall at once file said application and issue to the applicants a permit authorizing them to solicit members and organize the corporation under the provisions of this act.

Sec. 15. Such applicants shall, upon said application, be granted a charter and be authorized to transact business when they present to the State Warehouse Commission twenty or more separate applications for membership in the corporation, accompanied by contracts with farmers or ranchmen who may or may not be applicants for membership, in which said contracts the makers thereof shall be obligated to permit the corporation to weigh, grade and sell the kind, character and amount of farm or ranch products specified in the contracts for the first year of its business, the estimated aggregate amount of which shall not be less than \$50,000; provided, that of the applicants for membership sixty per cent thereof shall be from persons actually engaged in the business of farming or stock raising, or both, and provided, that each of such applicants who is engaged in the business of farming or stock raising, or both, shall accompany his application for membership with a contract with the corporation, permitting it to weigh, grade, classify and sell the kind, character and amount of farm or ranch products specified in the contract for the first year of its business; and, provided further, that a charter shall not be granted such corporation until the full amount of reserve specified in the application has been paid in to the directors and proof thereof made by affidavit and such additional evidence as the commission may require as to said fact. The charter of such company shall be signed and acknowledged by at least four of the original applicants for said permit, and shall contain:

1. The name of the company.

2. The place or places where its business is to be transacted, and the place of its principal business office.

3. The purpose for which it is formed.

4. The term for which it is to exist.

5. The number of its directors and names and residences of those who are selected for the first year; provided, that such corporation shall not have exceeding five directors, four of whom shall be selected by the stockholders, thereafter to be annually elected by the stockholders, and one of whom shall be appointed by the State Warehouse Commission from among the stockholders.

6. The amount of the reserve fund.

The charter must also be accompanied by an affidavit of those who signed the same, showing that the entire amount of reserve has been paid in to the directors of the company; and if the same has been paid in other than cash, then a detailed statement as to the kind, character and value of the property shall be made a part of the affidavit.

Sec. 16. When said applicants have complied with all the above requirements and have filed the necessary copies of their charters and by-laws with the State Warehouse Commission and have paid the fees and taxes herein required, the Commission shall record said charter and furnish the company a certified copy thereof and shall issue to said company a certificate of authority, showing it has complied with the laws of the State of Texas and authorizing it to do business until the last day of the following March; provided, however, that before said charter is delivered to the company and before said certificate of authority is furnished, the corporation shall execute by its proper officers a good and solvent bond, payable to the State of Texas, in an amount double the amount of its reserve fund, to be signed by two or more good and solvent sureties or by some bond or guaranty company having a permit to and actually transacting business within the State of Texas; the conditions of such bond shall be sufficient to obligate the corporation to observe and carry out all the terms and provisions of this law and such other laws as may be enacted by the Legislature governing said bonded warehouse and shall be for the purpose of guaranteeing that the corporation shall exercise ordinary care in the storage, preservation and handling of all products entrusted to it for storage or sale, or for both, and shall be for the purpose of guaranteeing the classification, weights, grades and measures made by the corporation, and for the purpose of guaranteeing the performance by it of all obligations executed and made by it, save



and except the principal of the sinking fund bonds provided for in this act, but the payment of the interest on said sinking fund bonds is and shall be secured by said bond. The bond herein provided for may be sued upon by any person sustaining damage by reason of any default or dereliction of duty herein provided for by said corporation in any court of competent jurisdiction within this State, the venue of which suit, however, shall be determined by the general venue statutes of the State. It shall not be necessary to make the State of Texas a party to such suit; nor shall any one or more suits preclude further suits on the bond, but successive suits may be brought on said bond until the same shall have been exhausted. Should said bond become at any time impaired, then the Warehouse Commission shall require said impairment to be made good, and unless the same is made good within thirty days after notice so to do, the Commission shall have authority to close the doors of the corporation and liquidate its affairs and discharge its debts. In the event such corporation should be taken charge of by the State Warehouse Commission, then it shall have the right to collect said bond by suit or otherwise, or a sufficient amount thereof, which, taken with the other assets of the corporation, shall be sufficient to pay its debts and discharge all of its obligations. Said bond must be approved by the State Warehouse Commission before being filed by it and before charter is delivered and the certificate of authority herein provided for issued. The charter and bond must be examined and approved by the Attorney General before issuance or delivery of the charter is made to the corporation.

Sec. 17. The reserve fund herein provided for shall never be less than twenty-five hundred dollars; and in all towns or villages of exceeding two thousand population and less than ten thousand population, which number of population may be determined in such manner as may be required by the State Warehouse Commission, the reserve fund shall not be less than five thousand dollars; in all cities and towns with a population in excess of ten thousand inhabitants and less than twenty-five thousand inhabitants, the reserve fund shall not be less than twenty thousand dollars; and in all cities or towns with a population of exceeding twenty-five thousand inhabitants, the reserve fund shall not be less than fifty thousand dollars; provided further, that corporations whose reserve fund is less than ten thou-

sand dollars shall not transact business in more than one county of the State. Such reserve fund may be paid in cash or United States bonds, Texas State bonds, or county, district, city or municipal bonds of the State of Texas, provided such bonds are issued by authority of law and the interest upon same has never been defaulted; or in first mortgages on improved farm lands within this State where the first mortgage does not exceed fifty per cent of the value of the lands and improvements thereon. Or said reserve fund may be paid in any property suitable for the purposes of the corporation.

Sec. 18. Every State bonded warehouse company chartered hereunder shall be under the supervision and control of the State Warehouse Commission, which commission shall make or cause to be made an examination of the affairs of each such company at the company's expense at least twice each year and at such other times as the Commission deems proper; the Commission shall thoroughly and carefully inspect the books, accounts and records of the company and if upon such inspection the affairs of such corporation are found to be in a sound condition and the company solvent and able to fulfill its obligations and that the same is being operated in compliance with the law, the Commission shall issue to the company a certificate showing the result of such examination. If upon examination the Commission is of the opinion that such corporation is insolvent, or has exceeded its powers, or that its business is being conducted in an unsafe manner, or that it has failed to comply with any provision of the law governing it, the Commission may suspend the company's permit and shall give it written notice of that which is objected to and upon failure on the part of the company to remove such objection within a reasonable time not to exceed in any event thirty days, the Commission may close the doors of such company, take charge of its affairs, liquidate its assets, collect all sums of money due it, collect the amount or amounts due on its bond and pay the debts and obligations of the company; the Commission shall also report the condition of the company to the Attorney General, who may bring such action as the necessities of the case and the law require or permit. The State Warehouse Commission shall also not less than twice each year and more frequently if it desires, call upon such company for a statement of the condition of its affairs showing the condition of its re-

serve fund, of its assets and liabilities, the kind, character and amount of its business and its reserve and obligations, and for such other information as may be necessary to show the condition of the company's business and whether or not it is complying with the law. Such report shall be made upon the oath of one of the managing officers of the corporation and shall be attested by at least three of its directors. The report so made shall be upon forms prescribed by the State Warehouse Commission.

Sec. 19. The expense of each and every general and special examination of corporations chartered under this act shall be paid by the corporation examined in such amount as the Commission shall certify to be just and reasonable, provided such expenses shall be paid in proportion to the reserve fund of the various corporations, as follows: Those with a reserve fund of two thousand and five hundred dollars (\$2500) shall not pay more than twelve dollars and a half (\$12.50); those with a reserve fund of two thousand and five hundred dollars (\$2500) and not exceeding ten thousand dollars (\$10,000) shall pay not exceeding twenty dollars (\$20); those with a reserve fund of fifty thousand dollars (\$50,000) or less, and not less than twenty thousand dollars (\$20,000) shall pay forty dollars (\$40); those with a reserve fund exceeding fifty thousand dollars (\$50,000) shall pay seventy-five dollars (\$75); provided, that those with a reserve fund of one million dollars (\$1,000,00) or more shall pay not exceeding two hundred dollars (\$200) for each examination. The undivided profits of any corporation shall be reckoned as part of the reserve fund for ascertaining the fees for examination. All sums collected as examination fees shall be paid by the State Warehouse Commission directly into the State Treasury to the credit of the general revenue fund. Payments for salaries and expenses of examination and expense for the State Warehouse Commission in enforcing this act shall be paid upon certificate of the commission by a warrant of the Comptroller upon the State Treasurer.

Sec. 20. The property or business of corporations chartered hereunder shall be controlled and managed by a board of directors not less than three nor more than five in number, who shall be members of the corporation and bona fide citizens of this State; one of said directors shall be annually appointed by the State Warehouse Commission and the remaining directors shall be elected

by a ballot of the members of such corporation; the directors shall be elected annually at the general meeting of the members of such corporation, which meeting shall be held at such time and place as may be prescribed by the by-laws, the notice of which meeting shall be made to each member at least two weeks before the date set for the same. Each member of the corporation at all general and special meetings of the corporation shall have one vote.

Sec. 21. Every warehouse examiner appointed by the commission shall be an expert bookkeeper and accountant, and, before entering upon the duties of his appointment, shall take and file in the office of the commission the constitutional oath, and in addition to make fair and impartial examinations, and that he will not accept as presents or emoluments any pay, directly or indirectly, for the discharge of any act in the line of his duty other than the remuneration fixed and accorded to him by law, and that he will not reveal the condition of any corporation examined by him, or give any information secured in the course of examination to anyone except the commission, and the Attorney General, and except when required to do so in the enforcement of the law. No such examiner shall be appointed who has not had practical experience as bookkeeper and accountant for at least five years. No such examiner shall be appointed who is, at the time, an officer or stockholder in any warehouse company or corporation, or in any firm or corporation engaged in the purchase or sale of farm or ranch products on commission. No such examiner shall be appointed receiver of any State bonded warehouse company whose papers and affairs he shall have examined pursuant to his appointment; and each such examiner shall enter into a bond payable to the State in the sum of ten thousand dollars (\$10,000), to be approved by the commission and deposited in the office of the said commission, conditioned that he will faithfully perform his duties as such examiner. The commission, from time to time, shall appoint such number of State warehouse examiners as may be necessary to make examination of the corporations chartered hereunder, which number shall at no time exceed one for every fifty corporations then subject to examination under the laws of the State; as full compensation for the performance of the duties of examiner, each person so appointed shall be entitled to receive a salary of twenty-five hundred dollars (\$2500) per annum, besides necessary

traveling expenses. An itemized account of such expenses shall be rendered monthly under oath by each examiner and shall be approved by the commission.

Sec. 22. Whenever the commission shall have reason to believe that the reserve fund of any corporation, subject to the provisions of this act, is reduced by impairment or otherwise below the amount required by law or by its certificate or articles of incorporation, it shall require such corporation to make good the deficiency. Whenever it shall appear to the commission from any examination made by them or their examiners that such corporation is conducting its business in an unsafe, unauthorized manner, it shall, by an order under hand and seal, direct the discontinuance of such illegal, unsafe and unauthorized practices, and shall direct a strict conformity with the requirements of the law and with safety and security in its transactions; and if wrong entries or unlawful uses of the funds of a corporation have been made, it shall require that such entries shall be corrected, and such sums, unlawfully paid out, shall be restored by the person or persons responsible for the wrong payment thereof; and whenever any corporation shall refuse or neglect to make any such report as hereinbefore required or or comply with any such order aforesaid or whenever it shall appear to the commission that it is unsafe or inexpedient for any such corporation to continue to transact business or that any officer or director has abused his trust or be guilty of misconduct or malversation in his official position injurious to the institution, or that it has suffered a serious loss by fire, repudiation or otherwise, the commission shall communicate the facts to the Attorney General who shall institute such proceedings as the nature of the case may require; and the court or judge thereof in vacation before whom such proceedings shall be instituted shall have power to grant such orders in its or his discretion as may be necessary, and from time to time to modify or revoke the same, and to grant such relief as the evidence, the situation of the parties or interest in the case shall seem to require.

If, from an examination made by the Commission or examiner, it shall be discovered that any corporation organized under this act is insolvent or that its continuance in business will seriously jeopardize its creditors, it shall be the duty of the Commission immediately to close such corporation and to take charge

of all the property and effects thereof. Upon taking charge of any such corporation, the Commissioner shall, as soon as practicable, ascertain by a thorough examination into its affairs its actual financial conditions, and whenever it shall become satisfied that such corporation cannot resume business or liquidate its indebtedness to the satisfaction of its creditors, it shall report the fact of its insolvency to the Attorney General, who shall immediately upon receipt of such notice, institute proper proceedings in the proper court for the purpose of having a receiver appointed to take charge of such company and to wind up its affairs and business for the benefit of its creditors and members; and it is made the duty of the court and the judge thereof in vacation summarily to appoint said receiver to take possession of the property and effects of said corporation for the purpose of winding up the business thereof, any complaint of the corporation or of its officers subsequently to be heard; also the court or the Commission may appoint a special agent to take charge of the affairs of such insolvent corporation until such receiver is appointed, who shall qualify, give bond and receive compensation the same as a regularly appointed warehouse examiner, such compensation to be paid by the corporation or allowed by the court as costs in case of the appointment of a receiver; provided, that in no case shall any corporation continue in charge of such special agent for a longer period than sixty days. Any corporation chartered hereunder may place its affairs and effects under the control of the Commission by posting a notice on its front door, as follows: "This institution is in the hands of the State Warehouse Commission of the State of Texas." The posting of this notice or a similar notice by the Commission or under its direction that it has taken possession of any corporation shall be sufficient to place all its property and assets of whatever nature in possession of the Commission and shall operate as a bar to any attachment proceedings whatever.

Sec. 23. If any corporation subject to the provisions of this act shall refuse to submit its books, papers and concerns to the inspection of the Commission or any of its examiners, or if any officer or director thereof shall refuse to be examined on oath touching the concerns of the corporation, or if it shall be found to have violated its charter or any law of the State binding upon it, the Commission shall report the facts to the Attorney General, who shall in-

stitute such proceedings against such corporation as is authorized to be instituted against insolvent corporations.

Sec. 24. The directors of any corporation chartered hereunder may appoint or remove any officer or other employe at pleasure. The officer or employe shall have no power to endorse, sell, pledge or hypothecate any bond, note or other obligation received by such corporation or any property deposited with it as a warehouseman until such power and authority shall have been given such officer or employe by the board of directors in a regular meeting of the board, a written record of which proceedings shall have first been made upon the minutes of the corporation; and all acts of endorsing, selling, pledging or hypothecating by any such officer or employe without the authority of the board of directors as herein provided shall be null and void.

Sec. 25. Corporations chartered hereunder shall have the right to erect or purchase and to operate warehouses, buildings, storage tanks, elevators and such other places of storage security as may be necessary for the storage, grading, weighing and classifying of cotton, wheat, corn and other farm products, but all weights, grades and classes shall be made in accordance with the standards of weights, grades and classes prescribed by law and by the State Warehouse Commission. Before any such corporation shall be permitted to open its doors for business and in order for it to continue to transact business, the employe or officer in the active management of its warehouse shall receive a certificate from the State Warehouse Commission as a certified warehouseman. In order to receive such certificate such person must stand an examination before said Commission or before someone directed by it to conduct the same in the city of Austin, or in such other place or places as may be from time to time designated by such Commission for such purpose, which examination shall embrace the general subjects of an English education, and in addition thereto shall embrace the special subjects of bookkeeping, accounting and grading and classifying of cotton and other farm products, and such other subjects as may be from time to time prescribed by the Commission. No one shall be granted a certificate who does not make a general average of seventy-five out of a possible one hundred points on the subjects provided by the Commission; provided, that no one shall be granted a certificate who makes a grade of less than ninety out of a possible one hundred points on the

subject of grading and classifying farm products.

Sec. 26. Every corporation organized hereunder may divide its profits among its members in proportion to the amount of the business transacted for each of said members, after having paid dividends to each member on the amount which each of said members has paid into the reserve fund of the company, subject, however, to the following provisions: Twenty per cent of the net profits on each year's business shall annually be paid into the reserve fund until the reserve fund shall equal twice the amount placed in the reserve fund at the time the corporation was chartered; the balance of the net reserve shall be divided in accordance with the by-laws of the company; provided, that those paying into the reserve fund shall first be entitled to a ten per cent dividend or such amount as may be stated in the by-laws for each year before the remainder thereof is divided among the members in proportion to the amount of business transacted for each member. Corporations chartered hereunder shall have the right to act as warehousemen and charge for their services as such and do and perform generally all things which may be done or performed by warehousemen, subject to the limitations of this act. Such corporations shall also have the right to sell in the market all products of the ranch and farm on a commission basis or such other basis as may be agreed upon by them with their customers. Corporations chartered hereunder shall have the right to purchase or construct all warehouses, landings and buildings as may be necessary for their business. They shall have the right to own, lease and operate compresses and gins for the purpose of facilitating their business of warehousemen and marketing farm and ranch products, but the ownership and operation of such compresses and gins shall not be the main business of such corporations, but shall be merely incidental thereto. Such corporations shall have the right to own and operate canneries, cold storage plants and refrigerator cars for the purpose of preserving and shipping products intrusted to their care, but the ownership and operation of such canneries, cold storage plants and refrigerator cars shall be incidental only of their business, and no corporation shall be chartered under this act for the purpose of operating compresses, gins, cold storage plants, canneries and refrigerator cars. Corporations chartered hereunder shall have the right to own or charter ships for the



purpose of transporting and conveying farm and ranch products stored with them or placed with them for sale. Corporations chartered hereunder shall have the right to loan money upon products placed in their warehouses, provided that the amount loaned thereon shall not exceed seventy-five per cent of the market value of the property so placed with them, except that they may loan eighty-five per cent of the then market value of cotton placed with them; provided, however, that no corporation chartered hereunder shall loan money on cotton which is not ginned and baled by a bonded and licensed gin provided for in this act. Corporations chartered hereunder shall have the right to loan money upon chattel mortgages to their members only for the purpose of enabling them to make and mature their crops, but such chattel mortgages shall always be upon property double the amount in value of money loaned thereon. Corporations chartered hereunder shall have authority to loan money on crop mortgages, but such crop mortgages must always be the first mortgage thereon exclusive of the landlord's lien, and shall always be secured by an acreage which under the ordinary general conditions would produce double the amount loaned thereon. Corporations chartered hereunder may invest their reserve fund and surplus in a home office building not to exceed in value fifteen per cent of its total reserve fund plus its surplus and undivided profits; they may also invest such reserve fund, surplus and undivided profits in United States bonds, Texas State bonds, county, city, district and municipal bonds of the State of Texas; provided, such bonds are issued by authority of law and interest upon them has never been defaulted; or in the first mortgages on improved real estate within the State where the first mortgage does not exceed fifty per cent of the value of the land and improvements thereon, and provided the interest on the debt secured by said mortgages does not exceed six per cent per annum; provided further, that where such lands are situated in any such town or city that the value of the land shall be calculated, exclusive of the improvements unless the improvements thereon are insured in some solvent insurance corporation operating under the laws of Texas with policy payable to the company as its interest may appear. Such corporation shall never have the right to receive deposits nor discount commercial paper generally, but may make such character of loans and investments

as are herein provided for; provided, however, such corporations shall never be permitted to loan money upon chattel mortgages, crop mortgages or personal security except to their members and then only to enable them to make, mature and gather their crops or market their ranch products.

Sec. 27. Corporations organized hereunder shall have authority to contract debts as have other business corporations, and in addition thereto may issue special bonds to be known as "sinking fund bonds" as follows:

They may invest all or any part of their surplus fund, to be not less than twenty-five hundred dollars, in such securities as are herein designated for the payment or investment of their reserve which, when approved by the Warehouse Commission, may be deposited in the State Treasury; the interest on such investment shall be annually paid into the treasury, and be placed to the credit of the sinking fund bonds of such corporation, and which interest shall be from time to time invested by the State Warehouse Commission in similar securities, which in turn shall be deposited in the State treasury. Said securities, when so deposited in the treasury, shall remain there as the sinking fund out of which the principal sum of the bonds hereinafter provided for shall be paid, and said securities shall not be used for any other purpose than to liquidate the sinking fund bonds herein provided for, unless and until such sinking fund bonds have been paid, in which event the security herein provided for shall be returned to the corporation owning same, and shall become a part of the general assets of the corporation. After the investment in the securities herein provided for shall have been made, the State Warehouse Commission shall grant authority to the corporation to issue bonds in double the amount of such original investment to bear not greater than six per cent interest, and to run for a period not exceeding thirty years. When said bonds shall have been issued and signed by the proper officers of the corporation they shall be registered by the State Warehouse Commission; said bonds shall show on their face that the principal thereof is secured by the securities herein required to be deposited in the State Treasury, and shall have plainly written, printed, lithographed or engraved on their face the word's "Sinking Fund Bonds of \_\_\_\_\_ State Bonded Warehouse Company" with the postoffice address of the corporation; said bonds shall show on their face also



that the interest contracted to be paid thereon is not secured to them by the general assets of the corporation. After said bonds have been issued as herein provided for and registered by the State Warehouse Commission, they shall be returned to the corporation issuing them, and may then be by such corporation placed on the market and sold, but shall never be sold at less than ninety per cent of their face value.

Sec. 28. It shall be the duty of the State Warehouse Commission to collect and disseminate information generally as to the condition of the farm and ranch products, and the probable yield and amount thereof which will be on the market at any particular market season; it shall also collect and disseminate information generally as to the probable demand in all parts of the world for farm and ranch products; it shall also be the duty of the said commission to collect and disseminate generally information concerning farm and ranch industries throughout the State and world generally. For these purposes it is authorized to issue and disseminate said information by letter, telegraph, telephone and the publication of daily, weekly, monthly, quarterly and annual bulletins, and such other publications and means of disseminating information as may be found of value to the farm and ranch industries of the State. It shall be the duty of the State Warehouse Commission to establish its agencies in the various markets of the world at such places as it may in its discretion determine; the duties of which agents shall be prescribed by the commission, but whose special duty it shall be to keep in touch with the requirements of the markets of the world, and the probable consumption of all products of the farm and ranch, and the probable prices to be paid therefor, and report said facts to the commission, and to do such other things as may be hereafter required by law, and as may be required by the commission. Said agents, their salaries and expenses shall be paid out of the fund herein provided for. Said agents shall be paid a salary sufficient to command the best talent, and they shall be men experienced in the market to which they may be assigned. Said agents may or may not be, as in the discretion of the commission it may determine, citizens of the United States, but may be citizens of any country, and shall be considered only as employes of the commission; but said agents shall, when it becomes

necessary to entrust funds to their care, give bonds payable in Austin, Texas, to the State of Texas, for the faithful handling of all funds entrusted to them, and said bonds shall be signed by two good and sufficient sureties residing in the State of Texas, or by a bonding company having a permit to transact business in the State of Texas, and actually transacting business in this State.

Sec. 29. Every corporation organized under this act shall be amenable to and subject to all the laws of this State governing corporations generally where the same are not in conflict with the provisions of this act. Corporations chartered hereunder shall pay the same charter fees and franchise taxes to the warehouse commission as do ordinary business corporations to the Secretary of State, the surplus and undivided profits of corporations chartered hereunder being treated as capital stock for said purposes.

Sec. 30. Warehouses operated under this act shall be conducted under rules fixed by the State Warehouse Commission in order to effectively carry out the provisions of this act; and it shall be the duty of the commission as soon as may be after its organization to promulgate rules and regulations by which the provisions of this act may be effectively carried out.

Sec. 31. Corporations chartered under this act shall be hereafter referred to in the act and designated as warehousemen, as a matter of convenience.

Sec. 32. Warehouse receipts need not be in any particular form, but every receipt must embody within its written or printed terms:

- (a) The location of the warehouse where the goods are stored.
- (b) The date of issue of the receipt.
- (c) The consecutive number of the receipt.
- (d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order.
- (e) The rate of storage charges.
- (f) A description of the goods or the package containing them.
- (g) The signature of the warehouseman, which may be made by his authorized agent.
- (h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and
- (i) A statement of the amount of

advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

(j) It shall also state that the corporation guarantees under its bond, the weight, classes and grades of the products for which the receipt may be given, at the time of and at the elevation of the place where said warehouse is located.

(k) Said receipt shall also show the elevation above sea-level of the warehouse, and the temperature and humidity of the atmosphere at the time products are weighed and placed therein.

A warehouseman shall be liable to any person injured thereby, for all damages caused by the omission from a negotiable receipt of any of the terms herein required.

Sec. 33. A warehouseman may insert in a receipt, issued by him, any other terms and conditions, provided that such terms and conditions shall not

(a) Be contrary to the provisions of this act.

(b) In anywise impair his obligation to exercise that degree of care in the safekeeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

Sec. 34. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

Sec. 35. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable," or "not negotiable." In case of the warehouseman's failure to do so, a holder of the receipt who purchased it for value, supposing it to be negotiable, may at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

This section shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character.

Sec. 36. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt is a negotiable receipt.

No provision shall be inserted in a ne-

gotiable receipt that is non-negotiable. Such provision, if inserted, shall be void.

Sec. 37. When more than one negotiable receipt is issued for the same good, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for the value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Sec. 38. A warehouseman, in the absence of some lawful excuse provided by this act, is bound to deliver the goods upon demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with

(a) An offer to satisfy the warehouseman's lien,

(b) An offer to surrender the receipt if negotiable, with such endorsements as would be necessary for the negotiating of the receipt, and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

Sec. 39. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is

(a) The person lawfully entitled to the possession of the goods, or his agent,

(b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either endorsed upon the receipt or written upon another paper, or

(c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or to order or to bearer, or which has been endorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate endorsee.

Sec. 40. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be

liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivision (b) and (c) of the preceding section, and though he delivered the goods as authorized by said subdivision he shall be so liable, if prior to such delivery he had either

(a) Been requested by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery; or

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

Sec. 41. Except as provided in Section 65, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to anyone who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

Sec. 42. Except as provided in Section 65, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable to anyone who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

Sec. 43. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was

- (a) Immaterial.
- (b) Authorized, or
- (c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall ex-

cuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which purchaser would have acquired if the receipt had not been altered at the time of the purchase.

Sec. 44. Where a negotiable receipt has been lost or destroyed a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction, and upon giving bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured by such delivery may incur by reason of such original receipt remaining outstanding.

The delivery of the goods under an order of the court as provided in this section, shall not relieve the warehouseman from any liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Sec. 45. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

Sec. 46. No title or right to the possession of the goods on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

Sec. 47. If more than one person claims the title or possession of the goods, the warehouseman may either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead.

Sec. 48. If someone other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver such goods, either to the depositor or person claiming under him or to the adverse claim-

ant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

Sec. 49. Except as provided in the two preceding sections and in Section 39 and 66, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

Sec. 50. A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

Sec. 51. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

Sec. 52. Except as provided in the following section, a warehouseman shall keep the goods as far separate from the goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the goods deposited.

Sec. 53. If authorized by agreement or custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

Sec. 54. The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the

same circumstances as if the goods had been kept separate.

Sec. 55. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they can not thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt as surrendered to him or impounded by the court.

Sec. 56. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Sec. 57. Subject to the provisions of Section 60, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charge for storage and preservation of the goods; also for all lawful claim for money advanced, interest, insurance, transportation, labor, weighing, cooperating and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice and advertisement of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

Sec. 58. Subject to the provisions of Section 60 a warehouseman's lien may be enforced:

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted; and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted if such person had been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

Sec. 59. A warehouseman loses his lien upon goods:

(a) By surrendering possession thereof, or



(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this act.

Sec. 60. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to date of the receipt, unless the receipt expressly enumerate other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of Section 58, although the amount of the charges so enumerated is not stated in the receipt.

Sec. 61. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

Sec. 62. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against a debtor for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted to pay.

Sec. 63. A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain:

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due.

(b) A brief description of the goods against which the lien exists.

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by

auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien is acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale shall be published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement and sale; the balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

Sec. 64. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability, or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of the person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without



advertising. If the warehouseman, after a reasonable effort, is unable to sell such goods he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as in the proceeds of sales made under the terms of the preceding section.

Sec. 65. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

Sec. 65. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipts are negotiable.

Sec. 67. A negotiable receipt may be negotiated by delivery:

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer; or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by endorsement of such indorsee.

Sec. 68. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank to bearer or to a specified person. If indorsed to a specified person it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

Sec. 69. A receipt that is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee.

Sec. 70. A negotiable receipt may be negotiated,

(a) By the owner thereof, or

(b) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery.

Sec. 71. A person to whom a negotiable receipt has been duly negotiated acquires thereby

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

Sec. 72. A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferrer, the title to the goods, subject to the terms of any agreement with the transferrer.

If the receipt is non-negotiable such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferee or transferrer of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferrer, or by a notification to the warehouseman by the transferrer or a subsequent purchaser from the transferrer of a subsequent sale of the goods by the transferrer.

Sec. 73. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferrer is essential for negotiation, the transferee acquires a right against the transferrer to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the

time when the indorsement is actually made.

Sec. 74. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants

(a) That the receipt is genuine.

(b) That he has a legal right to negotiate or transfer it.

(c) That he has knowledge of no fact which would impair the validity or worth of the receipt, and

(d) That he has a right to transfer the title to the goods and that the goods are merchantable or for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

Sec. 75. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

Sec. 76. A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt of the quantity or quality of the goods therein described.

Sec. 77. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to intrust the possession or custody of the receipt to such person. If the person to whom the receipt was subsequently negotiated paid value therefor, without notice of a breach of duty, or fraud, mistake or duress.

Sec. 78. Where a person having sold, mortgaged or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof, to any person receiving the same in good faith, for value and without notice of a previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

Sec. 79. Where a negotiable receipt

has been issued for goods, no seller's lien or right of stoppage in transit shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transitu. Nor shall the warehouseman be obliged to deliver or be justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

Sec. 80. Any officer, agent or servant of a corporation chartered under this act, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such corporation, or are not under its control at the time of issuing such receipt, shall be guilty of a felony, and upon conviction shall be punished for each offense by imprisonment in the State penitentiary for not exceeding five years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Sec. 81. Any officer, agent or servant of a corporation chartered under this act who fraudulently issues or aids in fraudulently issuing a receipt for goods, knowing that it contains any false statement, shall be guilty of a felony, and upon such conviction shall be punished for each offense by confinement in the State penitentiary for any period of time not exceeding two years, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Sec. 82. Any officer, agent or servant of a corporation chartered under this act, who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods or any part of them, is outstanding and uncanceled, without plainly placing on the face thereof the word "duplicate," except in the case of a lost or destroyed receipt, after proceedings as provided for in Section 44 of this act, shall be guilty of a felony, and upon conviction, shall be punished for each offense by confinement in the State penitentiary for any period of time not exceeding five years, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Sec. 83. Where there are deposited with or held by a corporation chartered hereunder, goods of which it is owner, either solely or jointly, or in common with others, then any of its officers, agents or servants who knowing its ownership, issues or aids in issuing a nego-

liable receipt for such goods which does not state such ownership, shall be guilty of a felony, and upon conviction, shall be punished for each offense by imprisonment in the State penitentiary for any period of time not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Sec. 84. Any officer, agent or servant of a corporation chartered hereunder, who delivers goods out of the possession of such corporation, knowing that a negotiable receipt, the negotiation of which would transfer the right to the possession of such goods, is outstanding and uncanceled, without obtaining possession of such receipt at, or before the time of such delivery, shall, except in the cases provided for in Sections 44 and 66, be guilty of a felony, and upon conviction shall be punished for each offense by imprisonment in the State penitentiary for any period of time not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Sec. 85. Any person who deposits goods with a corporation charter hereunder, to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt, which he afterwards negotiates for value with intent to deceive, and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a felony, and upon conviction shall be punished for each offense by imprisonment in the State penitentiary for any period of time not exceeding five years, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Sec. 86. Any person who willfully and knowingly violates any of the provisions of this act for which a penalty is not otherwise provided, or who willfully and knowingly does any act or thing prohibited by this act for which no other penalty is herein provided, or who willfully and knowingly fails to do any act or thing herein required of him by the provisions of his act and for which no other penalty is herein provided, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by fine not exceeding one thousand dollars, or by confinement in the county jail for any period of time not exceeding one year, or by both such fine and imprisonment.

Sec. 87. Any ginner or any agent, servant, or employe of the corporation conducting the business of ginning cotton under the terms and provisions of this act, who shall knowingly and will-

fully fail to take two true and correct samples of each bale of cotton ginned by him, as provided for in this act, and the preserve and label the same as provided for in this act, or who knowingly and willfully takes and preserves untrue, unfair and incorrect samples of any bale of cotton ginned by him, or who knowingly and willfully mislabels any samples of cotton taken by him under the terms and provisions of this act, shall be guilty of a felony and upon conviction shall be punished by confinement in the State penitentiary for any period of time not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Sec. 88. Each and every ginner and any officer, servant or employe of the corporation conducting the gin business under the provisions of this act, who shall willfully and knowingly plate a bale of cotton, which is to say who shall willfully and knowingly place on the outside of said bale a better grade and quality of cotton than on the inside of said bale for the purpose of deceiving, shall be guilty of a felony and upon conviction shall be punished by confinement in the State penitentiary for any period of time not exceeding five years, or by fine of not exceeding five thousand dollars, or by both such fine and imprisonment.

Sec. 89. Each and every mixed-packed bale of cotton hereafter ginned and baled by any ginner or gin operating under the provisions of this act, shall be labeled on the back thereof so that it may be seen as follows: "Mixed-Packed;" and any ginner or any officer, agent or employe of any corporation ginning cotton under the provisions of this act, who shall knowingly and willfully fail to so label any mixed-packed bale of cotton shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by confinement in the county jail for any period of time not exceeding one year or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

By "mixed-packed" bale of cotton is meant a bale of cotton in which is placed cotton of different grades, qualities or colors, the tendency of which would be to affect the value and price of the cotton.

Sec. 90. The importance of the legislation proposed in this act and the fact that the present session of the Legislature must expire by law within a few days renders it improbable that this bill can be read on three several days in each House and thereby creates an emergency and an imperative public

necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the said rule is so suspended, and that this act take effect from and after its passage, and it is so enacted.

CALVIN,  
WORTHAM,  
TERRELL,  
KENNEDY,  
KIRBY,  
HANEY.

#### PETITIONS AND MEMORIALS.

By Senator Carter:

A petition numerously signed by citizens of Center, Shelby county, urging liberal appropriations for the State University.

#### TWENTY-FIRST DAY.

Senate Chamber,

Austin, Texas,

Thursday, August 14, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Terrell.

(See Appendix for petitions and standing committee reports.)

#### LETTER FROM MR. BOWMAN.

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, Lieutenant Governor, Senate Chamber.

Dear Sir: I understand in a discus-

sion this morning of the Governor's message, of January 17th, submitting for confirmation the names of certain vacation appointees, a member of the Senate stated that he had been informed that the Governor's private secretary had changed the date of the message from January 17th to January 20th.

Shortly after the Attorney General delivered his opinion to the Governor with reference to this matter I called upon Mr. Gilmore, Journal Clerk of the Senate, and secured from him the original copy of the message. I found the message was written in this office and dated "January 17th," with typewriter, and that this date had been changed with ink and the figures "20" substituted. The figures are not mine, nor those of the Governor, and I am confident the change was not made in this office. I also feel quite sure the message was delivered to the Senate on Friday evening, January 17th, though as to this I could not state positively from memory. When I first discussed this matter with Mr. Gilmore I recall that he stated the change was made by the Lieutenant Governor, or some official of the Senate, when the message was read on Monday morning. Mr. Gilmore said this was his recollection and was not positive.

I am writing this merely for the purpose of correcting the statement made by one of the members of the Senate, who was under the impression that the change of date was made in the Governor's office.

Very truly,

J. T. BOWMAN,  
Secretary to the Governor.

#### BILLS AND RESOLUTIONS.

By Senators Terrell, Nugent, Bailey, Darwin and Collins:

Senate bill No. 42, A bill to be entitled "An Act conferring certain additional powers and authority upon State banks and trust companies, chartered and operating under the General Laws of the State; authorizing such institutions to create and maintain 'land loan departments,' and regulating the manner, method and operation of said departments; authorizing such institutions to issue bonds in connection with and as a part of said land loan department; prescribing the method of securing such bond issues, and the rules and regulations governing the same; and providing that certain investments authorized to be made under the laws of the State may be made in said bonds so issued; prescribing cer-



tain additional duties for the Commissioner of Insurance and Banking, the Attorney General and the State Treasurer; authorizing the collection of certain fees thereof, and declaring an emergency."

Read first time and referred to Committee on Insurance, Statistics and History.

By Senator Terrell:

Senate bill No. 43, A bill to be entitled "An Act to amend Article 2827 and Article 2862, of the Revised Civil Statutes of the State of Texas, so as to provide that the valuation placed on property for taxation in county line independent school districts having their own tax assessor shall not be governed by the valuation placed thereon for State and county taxation, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Collins:

Senate bill No. 44, A bill to be entitled "An Act authorizing the city of Nacogdoches, a municipal corporation, to sell the United States of America, a portion of the Main Plaza, for a Federal building site, and declaring an emergency."

Read first time and referred to Committee on Federal Relations.

(By Unanimous Consent.)

By Senator Morrow:

Senate bill No. 45, A bill to be entitled "An Act creating the Files Valley Orphans' Home Independent School District; providing for the appointment of trustees of said district; defining the boundaries thereof, and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

#### SIMPLE RESOLUTION.

By Senator McNealus:

Resolved, That the Senate Journal of January 20, 1913, be corrected so as to properly reflect the date and contents of the Governor's message of January 17, 1913, concerning the nomination of penitentiary commissioners; also that the Journal Clerk be instructed to make the necessary corrections.

The above resolution was read and adopted.

#### SIMPLE RESOLUTION.

By Senator Townsend:

I move that the President of the Sen-

ate be requested to add the names of Senators Collins and Wiley to the Committee on Insurance, Statistics and History.

The above resolution was read and adopted.

Morning call concluded.

#### CONSIDERATION OF HOUSE BILLS.

Senate bill No. 16 was the pending business and House bill No. 27 was a special order, and Senator Morrow moved that the pending business and special order be suspended and that the Senate take up, out of its order, House bill No. 13.

Pending discussion, Senator Lattimore made the point of order that today, Thursday, was, under the Rules of the Senate, House bill day, and called for the consideration of House bills.

The Chair sustained the point of order.

#### EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, August 14, 1913.

To the Senate:

I ask the advice and consent of the Senate to the following appointments:

To be a member of the State Board of Health—Dr. T. T. Jackson of Bexar county, to succeed Dr. A. W. Fly of Galveston county.

To be a member of the Board of Managers of the Deaf and Dumb Institute—Hon. Robt. J. Eckhardt of Williamson county, in place of W. H. Richardson, Jr., declined.

To be members of the Board of Prison Commissioners—Hon. L. W. Tittle of Cherokee county, and Hon. R. W. Brahan of Walker county.

The last two appointments are sent to you in compliance with request contained in the following simple resolution which was passed by the Senate and presented to me on yesterday:

"Whereas, The Governor by written message to this body has advised that he did not intend to appoint Messrs. Tittle and Brahan to the constitutional offices of Prison Commissioners, but his appointments were made on January 17th last and before the constitutional amendment went into effect and were for the statutory offices only, which expired beginning January 20th last, which contention on the part of the Governor we believe to be correct; and

"Whereas, Messrs. Tittle and Brahan



did not qualify within ten days after their appointment, by executing bond and taking oath of office, as is required by law, and now for the first time have tendered to the Secretary of State their bonds, more than six months after their appointment; and

"Whereas, The Governor has signified his willingness to again place said parties' names before the Senate to be voted upon for the constitutional offices to determine whether or not the Senate shall confirm them; therefore be it

"Resolved by the Senate, That it is the sense of the Senate that the appointees named by the Governor in his message of August 12, 1913, were recess appointees and that it request the Governor to submit such names to the Senate as he may desire at once, to the end that it may pass upon the confirmation or non-confirmation of such parties for said positions."

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### HOUSE BILL NO. 27.

The Chair laid before the Senate, on second reading and regular order.

House bill No. 27, A bill to be entitled "An Act to amend Title 76, Articles 5221, 5222, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232, 5233 and 5234 of the Revised Civil Statutes of 1911, concerning the management and control of the State Institution for the Training of Juveniles, and to add thereto Articles 5234a and 5234b."

The committee report, which provided that the bill be printed in the Journal, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Taylor, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Greer.
Bailey of De Witt.	Harley.
Bailey of Harris.	Hudspeth.
Brelsford.	Johnson.
Carter.	Lattimore.
Clark.	McGregor.
Collins.	McNealus.
Conner.	Morrow.
Cowell.	Nugent.
Darwin.	Oliver.
Gibson.	Real.

Taylor.	Westbrook.
Townsend.	Wiley.
Warren.	Willacy.

Absent.

Terrell.	Watson.
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The bill was read third time and passed by the following vote:

Yeas—29.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

Absent.

Terrell.

Senator Taylor moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 18.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 18, A bill to be entitled "An Act to repeal Article 6214 of the Revised Statutes of 1911; to amend Article 6215, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners of the State penitentiary system need not be paid for Sunday labor; to amend Article 6220, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, and amending Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, but only to the nearest depot to the point from whence sentenced, or an equal distance."

The committee report, which provided that the bill be not printed, was adopted.

Senator Warren offered the following amendment, which was read and adopted:

Note.—The amendment above referred to contained the same subject matter as

Senate bill No. 6, and Senator Warren later made a motion, which was adopted, that the amendment be not printed in the Journal.

The bill was read second time and passed to a third reading.

On motion of Senator Warren, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

Absent.

McNealus.

The bill was read third time and passed by the following vote:

Yeas—26.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Willacy.

Nays—2.

McNealus. Wiley.

Absent.

Brelsford. McGregor.

Senator Warren moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

Senator Warren moved that the amendment to the above bill, which was adopted, be not printed in the Journal.

The motion prevailed.

## HOUSE BILL NO. 13.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 13, A bill to be entitled "An Act to amend Chapter 150, General Laws, passed at the Regular Session of the Thirty-third Legislature, relating to application for witnesses in felony cases so as to repeal Section 4 of said chapter, which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court."

The bill was read and the committee report, which provided that the bill be not printed, and that Senate bill No. 13 pass in lieu thereof, was adopted.

Senator Morrow offered the following amendment, which was read and adopted:

Amend the bill by striking out all after the enacting clause and inserting the following:

That Section 4, of Chapter 150, of the Acts of the Thirty-third Legislature, Regular Session, be amended so as to hereafter read as follows:

Section 4. All witnesses residing in the county of the prosecution, when summoned under the provisions of this act to appear and give evidence in any felony case, shall be entitled to one dollar per day for each day they may have been necessarily absent from their homes or business in attendance upon court, said fees to be paid by the State, and the Comptroller of Public Accounts is hereby authorized to draw a warrant against the State Treasury for same when the accounts are properly presented to him, approved by the presiding district judge; and when after inspection by him he finds said accounts to be correct; provided, that witnesses who are peace officers or whose place of residence is not more than three miles from the courthouse shall not come within the provisions of this act, and provided that witnesses attending court in more than one case at the same time shall receive fees in only one case, and provided that no witness shall under the provisions of this act receive for his attendance out of the public funds more than the sum of three dollars for attending as a witness in any case at any one term of court; provided, however, if the defendant in any case who is charged with a felony should be finally convicted of a misdemeanor, then said witness fees shall not be a charge against the State in such a case, but the same shall be charged against the defendant, and the witnesses in all such cases shall be entitled to the same com-

pensation as is now allowed and provided by law to witnesses residing in the county of the prosecution in misdemeanor cases.

Senator Morrow offered the following amendment:

Amend the caption of House bill No. 13 by striking out after the word "cases" the following: "so as to repeal Section 4 of said chapter."

The amendment was read and adopted by the following vote:

Yeas—21.

Bailey of De Witt.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Clark.	Real.
Collins.	Taylor.
Cowell.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Hudspeth.	Westbrook.
Johnson.	Wiley.
McGregor.	

Nays—4.

Harley.	McNealus.
Lattimore.	Watson.

Present—Not Voting.

Astin.	Darwin.
Bailey of Harris.	Willacy.

Absent.

Conner.

Senator Warren offered the following amendment:

Amend the bill by striking out all after the word "Correct," in Section 4. and substitute in lieu thereof the following: "Provided, that witnesses who are peace officers or whose place of residence is not more than three (3) miles from the courthouse shall not come within the provision of this act, and provided that witnesses attending court in more than one case at the same time shall receive fees in only one case, and provided that the State shall in no case pay per diem for more than six (6) witnesses for the defendant and not more than six (6) witnesses for the State, and provided that each party or attorney therefor in making application for witnesses shall designate the names of each witness not exceeding six to be paid for by the State, neither of whom may reside within three (3) miles of the courthouse of such county, and that no other witnesses other than those designated in said application shall be paid by the State; provided, however, if the defendant in any case who is charged

with a felony should be finally convicted of a misdemeanor then said witness fees shall not be a charge against the State in such a case but the same shall be charged against the defendant and the witnesses in all such cases shall be entitled to the same compensation as is now allowed and provided by law to witnesses residing in the county of the prosecution in misdemeanor cases.

Senator Hudspeth offered the following amendment to the amendment:

Amend the amendment by striking out in line 4, page 3, all after the word "officers," down to and including all of line 5 on said page.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 14, 1913.  
Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 29, A bill to be entitled "An Act making appropriations to pay various miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this act, making appropriations for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and declaring an emergency," with engrossed rider.

Respectfully,

W. R. LONG,  
Chief Clerk, House of Representatives.

#### HOUSE BILL ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after its caption had been read, the following House bill:

House bill No. 29, referred to Committee on Finance.

#### RECESS.

On motion of Senator Clark, the Senate, at 12:30 o'clock p. m., recessed until 2:30 o'clock today.

#### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

## HOUSE BILL NO. 13.

(Pending Business.)

Action recurred on the pending business, the question being on the amendment by Senator Hudspeth to the amendment by Senator Warren.

Senator Carter offered the following substitute for the pending amendments:

Amend the bill by striking out all after the word "correct," in line 24, in Section 4, and substitute in lieu thereof the following: "Provided, that witnesses who are peace officers shall not come within the provisions of this act, and provided that witnesses attending court in more than one case at the same time shall receive fees in only one case; and provided, that the State shall in no case pay per diem for more than five dollars (\$5.00) to any witness in any one case at any one term of the court; however, if the defendant in any case who is charged with a felony, should be finally convicted of a misdemeanor, then said witness fees shall not be charged against the State in such a case, but the same shall be charged against the defendant; and the witnesses in all such cases shall be entitled to the same compensation as is now allowed and provided by law to witnesses residing in the county of the prosecution in misdemeanor cases. And provided further, that the fee to be collected by the district clerk for swearing each witness as to his attendance in said case shall be ten cents."

CARTER,  
MORROW.

The substitute was read and adopted, and the amendment, as substituted, was adopted.

The bill was passed to a third reading, but the vote was reconsidered.

Senator Morrow offered the following amendment, which was adopted:

Amend bill as follows:

"Sec. 2. The near approach of the close of the session of the Legislature and the importance of this subject matter creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Also amend caption by adding the words: "and declaring an emergency."

The bill was read second time and passed to a third reading.

On motion of Senator Carter, the constitutional rule requiring bills to be

read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Astin.	Johnson.
Bailey of De Witt.	McGregor.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Clark.	Real.
Conner.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.

Nays—1.

Taylor.

Absent.

Collins.	McNealus.
Cowell.	Wiley.
Hudspeth.	Willacy.
Lattimore.	

The bill was read third time and passed by the following vote:

Yeas—21.

Astin.	Morrow.
Bailey of De Witt.	Nugent.
Bailey of Harris.	Oliver.
Brelsford.	Real.
Carter.	Taylor.
Clark.	Terrell.
Conner.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Johnson.	

Nays—1.

Harley.

Absent.

Collins.	McGregor.
Cowell.	McNealus.
Hudspeth.	Wiley.
Lattimore.	Willacy.

Senator Morrow moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

# SENATOR OLIVER ASSIGNED TO COMMITTEES.

The Chair here announced the assignment of Senator Oliver to the following standing committees:

Judiciary No. 2, Constitutional Amendments, State Penitentiaries, Pub-

lic Health, Congressional Districts, Federal Relations, Stock and Stock Raising, Labor, Senatorial Districts.

SENATE BILL NO. 16.

Action recurred on the pending business from yesterday, Senate bill No. 16. On motion of Senator Carter, the Senate was here at ease, subject to call of the Chair.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Watson:

Senate bill No. 46, A bill to be entitled "An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Gibson:

Senate bill No. 47, A bill to be entitled "An Act creating the Hudsonville Independent School District in Fannin county, Texas; defining its metes and bounds; providing for a board of trustees therefor; vesting it with the right and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

SENATE BILL NO. 16.

(Pending Business.)

Action recurred on the pending business, Senate bill No. 16, and Senator Bailey of Harris made the following motion in writing:

I move to rescind the vote by which the amendment to Senate bill No. 16, offered on yesterday by the Senator from Jefferson was adopted.

The motion was read and adopted by the following vote:

Yeas—18.

Bailey of De Witt.	McGregor.
Bailey of Harris.	Nugent.
Brelsford.	Oliver.
Carter.	Real.
Clark.	Taylor.
Cowell.	Terrell.
Gibson.	Warren.
Hudspeth.	Watson.
Johnson.	Westbrook.

Nays—9.

Astin.	Harley.
Collins.	Lattimore.
Conner.	McNealus.
Darwin.	Townsend.
Greer.	

Absent.

Morrow.	Willacy.
Wiley.	

Action recurred on the amendment offered on yesterday.

(President Pro Tem. Carter in the chair.)

Senator Bailey of Harris moved to table the amendment, which motion was lost by the following vote:

Yeas—14.

Bailey of DeWitt.	McGregor.
Bailey of Harris.	Nugent.
Brelsford.	Oliver.
Carter.	Terrell.
Cowell.	Warren.
Gibson.	Watson.
Hudspeth.	Willacy.

Nays—14.

Astin.	Johnson.
Clark.	Lattimore.
Collins.	McNealus.
Conner.	Taylor.
Darwin.	Townsend.
Greer.	Westbrook.
Harley.	Wiley.

Absent.

Morrow.	Real
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Action recurred on the amendment and the same was adopted by the following vote:

Yeas—15.

Astin.	Gibson.
Clark.	Greer.
Collins.	Harley.
Conner.	Johnson.
Darwin.	Lattimore.



McNealus.  
Taylor.  
Townsend.

Westbrook.  
Wiley.

Nays—13.

Bailey of De Witt.	Nugent.
Bailey of Harris.	Oliver.
Brelsford.	Terrell.
Carter.	Warren.
Cowell.	Watson.
Hudspeth.	Willacy.
McGregor.	

Absent.

Morrow. Real.

Senator Collins moved to reconsider the vote by which the amendment was adopted and lay that motion on the table.

The motion to table prevailed.

Senator Townsend here stated that he had agreed to pair with Senator Real and had forgotten the agreement, and moved that the vote by which the amendment was adopted and reconsidered and tabled be rescinded, which motion prevailed; also moved that the vote by which the amendment was adopted be rescinded, which motion prevailed; also moved that the vote by which the motion to table the amendment was lost, be rescinded, which motion prevailed.

Action recurred on the motion to table the amendment and the same prevailed by the following vote:

Yeas—14.

Bailey of De Witt.	McGregor.
Bailey of Harris.	Nugent.
Brelsford.	Oliver.
Carter.	Real.
Cowell.	Warren.
Gibson.	Watson.
Hudspeth.	Willacy.

Nays—13.

Astin.	Lattimore.
Clark.	McNealus.
Collins.	Taylor.
Conner.	Townsend.
Greer.	Westbrook.
Harley.	Wiley.
Johnson.	

Absent.

Morrow.

PAIRED.

Senator Terrell (present), who would vote "yea," with Senator Darwin (absent), who would vote "nay."

Senator Hudspeth moved to reconsid-

er the vote by which the amendment was tabled and lay that motion on the table.

The motion to table prevailed.

Senator Conner offered the following amendment:

Amend the bill, page 2, Section 4, by striking out all of line 24 and all of line 25, down to and including the word "thereon," and insert in lieu thereof the following:

"Sec. 4. The word improved or improving where it occurs in this bill is meant the acreage actually put in first-class state of cultivation, and kept in cultivation while it is owned by such corporation."

Senator Brelsford offered the following substitute for the amendment:

Substitute for amendment, page 2, line 25, for word "or" substitute "and" after the word "cultivation."

The substitute was read and adopted and the amendment, as substituted, was then adopted.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill, page 4, line 1, by striking out the words "Commissioner of Insurance and Banking instead of the," in lines 1 and 2, and strike out in lines 3 and 4, "Commissioner of Insurance and Banking" and insert in lieu thereof "Secretary of State," and strike out in lines 6 and 7 "Commissioner of Insurance and Banking" and insert in lieu thereof "Secretary of State."

Senator Townsend offered the following amendment:

Amend the bill by adding after Section 15 of the bill, the following: "Provided, that no corporation which has violated Article 1176 of the Revised Civil Statutes of the State of Texas, which has acquired by lease, purchase or otherwise, more land than is necessary to enable them to carry on their business and have not alienated their lands within fifteen years as required by said statute shall come under the provisions of this act."

The amendment was read, and Senator Bailey of Harris moved to table same, which motion to table was adopted by the following vote:

Yeas—14.

Bailey of De Witt.	Lattimore.
Bailey of Harris.	McGregor.
Carter.	Nugent.
Cowell.	Oliver.
Gibson.	Real.
Harley.	Warren.
Hudspeth.	Willacy.

## Nays—11.

Astin.	McNealus.
Brelsford.	Taylor.
Clark.	Townsend.
Collins.	Westbrook
Conner.	Wiley.
Greer.	

Absent.

Morrow.

PAIRED.

Senator Johnson (present), who would vote "nay," with Senator Watson (absent), who would vote "yea."

Senator Terrell (present), who would vote "yea," with Senator Darwin (absent), who would vote "nay."

Senator Lattimore offered the following amendment, which was read and adopted:

Amend the bill, page 3, by striking out the words "of the amount so acquired in any one year," and by striking out the same words in lines 12 and 13, and by inserting after the words "percent," in lines 5 and 12, the following: "of such land."

Senator Townsend offered the following amendment:

Amend the bill by adding after Section 15 of the bill the following: "Provided, that no corporation shall be organized under the provisions of this act holding more than five thousand acres of land at any one time."

Senator Willacy moved to table the amendment, which motion was adopted by the following vote:

## Yeas—16.

Bailey of DeWitt.	McGregor.
Bailey of Harris.	Nugent.
Brelsford.	Oliver.
Carter.	Real
Cowell.	Townsend.
Harley.	Warren.
Hudspeth.	Watson.
Lattimore.	Willacy.

## Nays—10.

Astin.	Johnson.
Clark.	McNealus.
Collins.	Taylor.
Conner.	Westbrook.
Greer.	Wiley.

Absent.

Gibson.

Morrow.

PAIRED.

Senator Terrell (present), who would vote "yea," with Senator Darwin (absent), who would vote "nay."

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 14, 1913.  
Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds or other obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stock, bonds or other obligation of such corporation, or proposed corporation; and fixing commission and promotion fees allowed to be charged and providing for services of process, examination fees and exempting certain corporations from the effect of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency," with engrossed rider.

The House does not concur in Senate amendments to House bill No. 13 and requests the appointment of a Free Conference Committee. The following committee on the part of the House has been appointed: Messrs. Penry, Burmeister, Spann, Bruce and Tillotson.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

## HOUSE BILL ON FIRST READING.

The Chair, President Pro Tem. Carter, referred, after its caption had been read, the following House bill:

House bill No. 9, referred to Judiciary Committee No. 2.

## HOUSE BILL NO. 13—FREE CONFERENCE ON.

Senator Lattimore made the following motion:

I move that the following be elected as Senate Free Conference Committee on House bill No. 13: Senators Brelsford, Warren, Gibson, Morrow, Carter.

The motion was read and adopted.

## SENATE BILL NO. 16.

(Pending Business.)

Action recurred on the pending business, Senate bill No. 16, and

Senator Willacy offered the following amendment, which was read and adopted:

Amend by inserting after the word "vegetable," in line 30, page 4, of the printed bill, the following: "or animal," and by inserting after the word "thereof," in line 31, page 4, the following: "and may supply water for domestic purposes upon reasonable terms to any person or persons having purchased land, either acreage or otherwise from such corporations, or who may occupy homes adjacent thereto."

Senator Astin offered the following amendment:

Amend the bill, page 6, by striking out all after the word "insurance," in line 19, and all of line 20, and insert in lieu thereof "but the same shall be open to public inspection."

On motion of Senator Bailey of Harris, the amendment was tabled.

(Lieutenant Governor Mayes in the chair.)

Senator Lattimore offered the following amendment, which was read and adopted:

Amend bill, page 12, by striking out the period at the end of Section 18 and inserting a semicolon and the following: "Provided, that a willful failure or refusal on the part of any corporation chartered or acting under the provisions of this act to conform to or carry out any of the material provisions of this act shall be ground for the forfeiture of the charter of such corporation, and such charter shall be liable to forfeiture for such failure or refusal, as well as any other legal ground, in a suit brought by the Attorney General of Texas as provided by law."

Senator Lattimore offered the following amendment:

Amend bill, pages 3 and 4, Section 7, by inserting after the word "charter," in line 28, page 3, and after the word "permits," in line 1, page 4, after the word "permits," in line 3, page 4, and after the word "permits," in line 5, the following words: "herein provided for."

Pending.

#### MESSAGE FROM THE HOUSE.

Hall of the House of Representatives,  
Austin, Texas, August 14, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 40, A bill to be entitled

"An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature of the State of Texas, entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas; to provide for proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency," and providing further for a governing board for the Texas Agricultural Experiment Station, defining the place of residence of the Director of Texas Experiment Stations, and declaring an emergency'; providing for the payment of the salary of the director of said experiment stations, defining his powers and duties and also the powers and duties of the governing board; also providing that the Texas State Agricultural Experiment Station located at College Station, Brazos county, Texas, at the Agricultural and Mechanical College of Texas, shall remain under the control of the board of directors of the Agricultural and Mechanical College, and authorizing the said board to receive from the Federal government the aid that has been or may hereafter be available for it under an act of Congress, and declaring an emergency."

House bill No. 43, A bill to be entitled "An Act to fix the time for holding the terms of the district court in the Forty-seventh Judicial District, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 47, A bill to be entitled "An Act to incorporate the Fruitvale Independent School District, in Van Zandt county, for free school purposes only; describing its boundaries; providing for a board of school trustees for the control and management of the said independent school district; prescribing the rights, powers, privileges and duties of the said Fruitvale Independent School District and its board of school trustees; vesting it with all the rights, powers, privileges and duties of a town or village incorporated under the General Laws of this State for free school purposes; providing for a treasurer of school funds of the district, and declaring an emergency."

House bill No. 50, A bill to be entitled "An Act to create a special district court for the Fifth Judicial District of Texas; to prescribe its jurisdiction, to limit its existence, to fix its terms, to

conform all writs and process from said court to the district court in said district to such changes as are made in the jurisdiction of the said court by this bill, to empower the judge of said district court, and the judge of the Fifth Judicial District to transfer cases from their respective courts to the other of said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency," with engrossed rider.

House bill No. 52, A bill to be entitled "An Act to amend the special road law for Smith county, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature, and creating an emergency, and providing for the suspension of the constitutional rule requiring all bills to be read on three several days."

House bill No. 55, A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas: to fix the times for holding the terms of district court therein; to make all process heretofore issued as well as bonds and recognizances hereof entered into conform thereto, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

House bill No. 58, A bill to be entitled "An Act to amend Chapter 38 of the Special Laws of the Thirty-second Legislature, as amended by the Thirty-third Legislature, entitled 'An Act to create a more efficient road system for Wood county, etc.,' by making it unlawful to injure or damage any public road in said county; prescribing penalties, and declaring an emergency."

House bill No. 59, A bill to be entitled "An Act to incorporate Thorndale School District in Milam and Williamson counties, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, and issuing bonds for the erection of school buildings within said district, and declaring an emergency."

House bill No. 60, A bill to be entitled "An Act to amend Sections 26 and 53 of Article 30 of Title 5 of the Revised Statutes of Texas, 1911, and to change and prescribe the time for holding the district court in the Twenty-sixth Judicial District of the State of Texas, and the Fifty-third Judicial District of the State of Texas, and to define the jurisdiction of said courts, and to provide for the venue and transfer of causes in the

Twenty-sixth and Fifty-third District courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial District courts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit grand juries of such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

Does not concur in Senate amendments to House bill No. 18, and requests a Free Conference Committee. The following members on part of the House have been appointed: Messrs. Humphrey, Dodson, Hill, Tillotson, Wagstaff.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILLS ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after their captions had been read, the following House bills:

House bill No. 40, referred to Committee on Agricultural Affairs.

House bill No. 43, referred to Committee on Judicial Districts.

House bill No. 47, referred to Committee on Educational Affairs.

House bill No. 50, referred to Committee on Judicial Districts.

House bill No. 52, referred to Committee on Roads, Bridges and Ferries.

House bill No. 55, referred to Committee on Judicial Districts.

House bill No. 58, referred to Committee on Roads, Bridges and Ferries.

House bill No. 59, referred to Committee on Educational Affairs.

House bill No. 60, referred to Committee on Judicial Districts.

#### HOUSE BILL NO. 18—FREE CONFERENCE COMMITTEE ON.

Senator Clark made the following motion:

I move that the request of the House that a Free Conference Committee be appointed upon the part of the Senate to adjust the differences between the Senate and House on House bill No. 18 be granted and that the following are hereby appointed on the part of the Senate: Senators Warren, Willacy, Hudspeth, Brelsford and Collins.

The motion was read and adopted.

## EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, August 14, 1913.

To the Texas Legislature:

In harmony with the proclamation of the Governor convening the First Called Session of the Thirty-third Legislature, and as provided by Section 40 of Article 4 of the Constitution, I present to you the following additional subject for legislation:

The passage of an act authorizing the city of Nacogdoches, a municipal corporation, to sell to the United States of America a portion of the Main Plaza for a Federal building site.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

## ADJOURNMENT.

Senator Clark, at 6:20 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Johnson moved as a substitute, that the Senate recess until 8:30 o'clock tonight.

Action recurred on the longest time first, and the motion to adjourn was adopted by the following vote:

Yeas—15.

Astin.	Harley.
Clark.	Lattimore.
Collins.	McGregor.
Conner.	McNealus.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Wiley.
Greer.	

Nays—13.

Bailey of De Witt.	Oliver.
Bailey of Harris.	Terrell.
Brelsford.	Warren.
Carter.	Watson.
Hudspeth.	Westbrook.
Johnson.	Willacy.
Nugent.	

Absent.

Morrow. Real.

## APPENDIX.

## PETITIONS.

By Lieutenant Governor Mayes:

Atlanta, Texas, August 13, 1913.

Chairman of Senate, Austin, Texas:

We appreciate the fairness of your honorable body in meting out justice to

our very deserving friend, the Hon. Dr. A. C. Oliver.

W. H. ERAMBERT, JR., ET AL.

By Senator Hudspeth:

Relating to the restoring the Alamo to the custody of the Governor and Superintendent of Public Buildings and Grounds.

## RESOLUTIONS SIGNED.

The Chair, Lieutenant Governor Mayes, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolution:

House Concurrent Resolution No. 2, Requesting the Governor to submit subject of appointment of notaries public.

House Concurrent Resolution No. 8, Granting District Judge Swayne leave of absence from the State.

## COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 35, A bill to be entitled "An Act appropriating the sum of five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Nugent, Warren, Wiley, Brelsford, Astin, Johnson, Harley, Collins, Lattimore, Taylor, Real, Bailey.

(Floor Report.)

Austin, Texas, August 14, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 42, A bill to be entitled "An Act conferring certain additional power and authority upon State banks and trust companies, chartered and operating under the general laws of the State, authorizing such institutions to create and maintain 'Land Loan Departments,' and regulating the manner,



method and operation of said department; authorizing such institutions to issue bonds in connection with and as a part of said land loan departments; prescribing the method of securing such bond issues, and the rules and regulations governing the same; and providing that certain investments authorized to be made under the laws of the State may be made in said bonds so issued; prescribing certain additional duties from the Commissioner of Insurance and Banking, the Attorney General and the State Treasurer; authorizing the collection of certain fees thereof, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Harley, Cowell, Clark.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 45, A bill to be entitled "An Act creating the Files Valley Orphans' Home Independent School District; providing for the appointment of trustees of said district; defining boundaries thereof, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Johnson, Chairman; Cowell, Real, Astin, Clark, Darwin, Wiley, Gibson.

(Floor Report.)

Austin, Texas, August 14, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Commerce and Manufactures, to whom was referred

Senate bill No. 38, A bill to be entitled "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers, or trustees to furnish cars to shippers upon written demand, and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for the use of such cars if demand be made therefor; requiring such applicants to load cars when so furnished within forty-eight

hours after delivery of same, and providing penalties; requiring the parties to whom such cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against any railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Collins, Chairman; Clark, Conner, Lattimore, Oliver, Bailey of Harris, Johnson, Brelsford.

(Floor Report.)

Austin, Texas, August 14, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 43, A bill to be entitled "An Act to amend Article 2827 and Article 2862, of the Revised Civil Statutes of the State of Texas, so as to provide that the valuation placed on property for taxation in county line independent school districts having their own tax assessors shall not be governed by the valuation placed thereon for State and county taxation, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Johnson, Chairman; Gibson, Cowell, Wiley, Darwin, Harley, Clark.

(Floor Report.)

Austin, Texas, August 14, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 27, A bill to be entitled "An Act to amend Chapter 1, Title 11, of the Revised Civil Statutes of this State, of 1911, relating to attachments, by adding thereto 247, providing for the issuance of attachments in suits founded in tort and upon unliquidated demands and providing for the fixing of the amount of bond in such cases, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Morrow, Chairman; Lattimore, Hudspeth, Watson, Bailey of DeWitt, Carter, Greer, Brelsford.

(Floor Report.)

Austin, Texas, August 14, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 37, A bill to be entitled "An Act to amend Sections 3, 4 and 10, of Chapter 173, of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, approved April 9, 1913, relating to the development of minerals in public lands, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Morrow, Chairman; Carter, Lattimore, Hudspeth, Greer, Wiley, Brelsford, Watson.

(Floor Report.)

Hon. Will H. Mayes, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

Senate bill No. 23, A bill to be entitled "An Act to name the several counties composing the Sixty-third Judicial District and fix the time for holding district courts therein and to repeal all laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration and beg leave to report the said bill back to the Senate with the recommendation that it do pass and be not printed.

Hudspeth, Chairman; Nugent, Taylor, Bailey of Harris, Brelsford, Greer, Collins, Carter, Morrow.

(Floor Report.)

Austin, Texas, August 14, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 46, a bill to be entitled "An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between

the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and declaring an emergency,"

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass and be not printed.

Morrow, Chairman; Carter, Greer, Brelsford, Wiley, Hudspeth, Watson, Bailey of Harris.

(Floor Report.)

Hon. Will H. Mayes, President of the Senate.

Sir: We, your Committee on Judicial District, to whom was referred

Senate bill No. 30, A bill to be entitled "An Act to amend Sections 26 and 53, of Article 30, of Title 5, of the Revised Statutes of Texas, 1911, and to change and prescribe the time for holding the district court of the Twenty-sixth Judicial District of the State of Texas, and to define the jurisdiction of said courts, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third District Courts; and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial District Courts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit and grand juries of such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration and beg leave to report said bill back to the Senate with the recommendation that it do pass and be not printed.

Hudspeth, Chairman; Nugent, Taylor, Bailey of Harris, Brelsford, Greer, Collins, Carter, Morrow.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 31, A bill to be entitled "An Act to create a special district court for the Fifth Judicial District of

Texas; to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court to the district court in said district to such changes, as are made in the jurisdiction of the said court by this bill, to empower the judge of said special district court, and the judge of the Fifth Judicial District to transfer cases from their respective courts to the other of said courts to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency,"

Have had the same under consideration and we your committee beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Hudspeth, Chairman; Nugent, Brelsford. Greer, Carter, Morrow, Taylor, Collins.

Committee Room,

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 26, A bill to be entitled "An Act to amend Article 6002, Title 97, Revised Statutes of Texas, 1911, providing for the appointment of notaries public, and declaring an emergency,"

And find same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 6, A bill to be entitled "An Act to amend Chapters 1 and 2, Title 104, Revised Civil Statutes of 1911, the same being an act passed by the Fourth Called Session of the Thirty-first Legislature, and entitled 'An Act to establish a prison system, and declaring the policy of the State with reference thereto; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in certain cases; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide

for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act," and declaring an emergency,"

And find same correctly engrossed.

BRELSFORD, Chairman.

(Floor Report.)

Austin, Texas, August 14, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 41, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed, but printed in today's Journal.

Terrell, Chairman; Morrow, Townsend, Harley, McNealus.

Following is the bill in full:

S. B. No. 41. By Terrell and Darwin.

A BILL

To Be Entitled

An Act creating a State Highway Department, and establishing a State Highway Commission and the office of a State Highway Engineer; prescribing the duties of each, and fixing the compensation of said State Highway Engineer, requiring the registration of motor vehicles, prescribing rules and regulations thereof, authorizing said Commission to issue licenses and assign numbers to owners of said motor vehicles, fixing the fees charged therefor, and providing for penalties for violation thereof, making appropriation to carry out the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. A Board of State Highway Commissioners, hereinafter referred to as the State Highway Commission, is hereby established which shall consist of five members to be appointed by the Governor, by and with the advice and consent of the Senate. Each of the five members of said Commission shall hold his office for a period of two years from the date of appointment. All vacancies in the membership of said Commission shall be filled by appointment by the Governor.

Sec. 2. The members of the said State Highway Commission shall serve without pay, but each member thereof shall be allowed his actual and necessary traveling and other expenses incurred while performing his duties, under the provisions of this act.

Sec. 3. As soon as practicable after the taking effect of this act, and prior to October 1, 1913, the said State Highway Commission shall elect a State Highway Engineer, who shall hold his office for a period of two years. He shall be a competent civil engineer, and experienced and skilled in highway construction and maintenance, and who shall receive a salary not to exceed \$4,000 per annum in the discretion of the Commission, and shall be allowed his actual traveling and other expenses incurred while away from home performing his duties, under the provisions of this act. The incumbency of the first State Highway Engineer shall date from October 1, 1913, at which time he shall actively assume the duties of his office.

Sec. 4. Said State Highway Engineer, before entering upon the duties of his office, shall file his oath of office, with sufficient bond to the State of Texas in such sum as in the judgment of the Commission may be necessary, conditioned upon the faithful performance of his duties, said bond to be approved by the State Highway Commission, and then filed with the Secretary of State.

Sec. 5. The State Highway Engineer may appoint in his discretion such assistant engineers, clerks, and other assistants as may be necessary to the proper conduct of the work of said Commission, by and with the advice and consent of said Commission.

Sec. 6. The said State Highway Commission and the State Highway Engineer shall constitute the State Highway Department, which shall be provided with suitable office room in the State building at the capital, which offices shall be under the charge of the said State Highway Engineer, and shall be kept open at such times as business of said department and the convenience and interests of the public shall require. Said offices shall be conveniently and properly furnished, and shall be the repository for all the records of the said State Highway Department.

Sec. 7. The State Highway Commission shall effect its own organization and shall establish such rules and regulations for the conduct of its business as may be deemed necessary; and shall hold regular quarterly meetings on the second Tuesday of March, June, September and December of each year, unless

otherwise expressly ordered by said Commission. Special meetings may be called by the chairman, or by a majority of the Commission. It shall be the duty of the said State Highway Commission to consider at their meetings all questions relating to the general policy of the State Highway Department, and to the conduct of the work in general; to receive and consider the reports of the State Highway Engineer hereinafter provided for; and to act for the said State Highway Department in all matters relating to recommendations, estimates and appropriations, and such other matters as it may be found advisable to submit to the Governor, or to the Legislature. Three members of said Commission shall constitute a quorum, and no business shall be transacted unless a quorum is present.

Sec. 8. The State Highway Engineer shall act as secretary of the State Highway Commission and shall have charge of all records of the State Highway Department; shall keep a record of all proceedings and orders pertaining to the business of his office and of the department; and shall keep on file copies of all plans, specifications and estimates prepared by his office. He shall cause to be made and kept by the State Highway Department a general highway plan of the State, shall collect information and compile statistics relative to the mileage, character and condition of the highways in the different counties of the State, and the cost of construction of the different classes of roads in the different counties. He shall investigate and determine the methods of road construction best adapted to the various sections of the State, and shall establish standards for the construction and maintenance of highways, culverts and bridges in the various counties, giving due regard to the topography, natural conditions and the character and availability of road building material in such counties. He may at all reasonable times be consulted by county or city officials, having authority over highways, relative to any questions involving highways, and he may in like manner call on such county or city officials for any information or assistance they may render in the performance of his duties with reference to the highways within their counties or cities, and it shall be the duty of said county or city officials to supply such information when called upon for the same by the State Highway Engineer. Upon the request of the commissioners court of any county, he shall consider and advise as to the general plan and specifications of all road



construction to be undertaken from the proceeds of the sale of bonds by a county or by any subdivision or defined district of a county; and it shall be the duty of a commissioners court of any county to secure all available information and advice from the office of the State Highway Engineer relative to road construction and maintenance suitable to the county, political subdivision or defined district in which such roads are to be constructed before any of the proceeds from such bond issue are expended by or under the direction of such commissioners court. The State Highway Engineer shall submit to the State Highway Commission a quarterly report and an annual report containing such information as the rules of said Commission may require. He shall also submit to said Commission a complete biennial report covering all the work of the State Highway Department, which report shall be transmitted by the State Highway Commission to the Governor and to the Legislature, together with the recommendation of said Commission.

Sec. 9. The State Highway Department shall maintain a laboratory for the analysis and testing of road material at such place as may be designated by the State Highway Engineer. The State Highway Engineer, with the approval of the State Highway Commission shall purchase all necessary fixtures, engineering instruments and supplies. He is authorized, with the approval of the Commission, to build such demonstration roads at the expense for material and labor, of any county, political subdivision or defined district, when requested to do so; or to build at the expense of the State highway fund, hereinafter created, such length of specimen or demonstration roads in any county as in the judgment of the Highway Commission may be desirable for the promoting of good roads construction.

Sec. 10. The said State Highway Engineer, with the approval of the Highway Commission, shall have authority to employ any and all labor necessary to carry out the provisions of this act, and shall pay such labor the reasonable and customary price per day, month or year, for the class of work performed. He is also authorized and directed, with the approval of the Commission to co-operate with the civil engineering departments of the various schools and colleges in the State in establishing and maintaining a system of apprenticeships in highway engineering for the benefit of the students in said schools and in furtherance of the work of the State Highway Department.

Sec. 11. In order to provide funds for carrying out the provisions of this act, on or before the first day of February, 1914, and annually thereafter, every owner of one of more motor vehicles in this State shall file in the office of the State Highway Department, on a blank provided by said department, an application for registration of each motor vehicle owned or controlled by him. Said application shall state the owner's name and address, and a brief description of each motor vehicle to be registered by him as may be prescribed by the State Highway Department. Said application shall be accompanied by the annual registration fee which shall be one dollar for each motorcycle, and three dollars for all other motor vehicles. For the purpose of this act, the term "motor vehicle" shall include all vehicles propelled by mechanical power, except road rollers and other road building equipment, street sprinklers, fire engines and apparatus, police patrol wagons, ambulances, and such vehicles as run upon rails or tracks; the term "motorcycle" shall include only those motor vehicles having pedals and saddles, with the driver sitting astride.

Sec. 12. Upon receipt of application for registration of a motor vehicle, accompanied by the proper fee, as hereinbefore provided for, the State Highway Engineer shall cause said motor vehicle to be registered in a registration book, or card index kept for that purpose, and shall assign to said motor vehicle a distinguishing number. He shall then issue to the owner of said motor vehicle, a certificate of registration, which shall contain the information required on the application for registration and also the distinguishing number of said motor vehicle, and such certificate of registration shall at all times be carried upon said motor vehicle and shall be subject to examination upon demand by any proper officer.

Sec. 13. The registration hereinbefore provided for shall be effective February 1 of each year, and shall expire the following 31st day of January. Each and every person owning a motor vehicle in this State on February 1, 1914, or who shall purchase or assume control of a motor vehicle in this State, subsequent to February 1, 1914, shall immediately file an application for registration with the State Highway Department, and such registration shall be effective from the date of the filing of said application and shall expire the following 31st day of January. The fee for registration of a motor vehicle purchased after February 1 of any year shall be



less than the regular annual fee by such per cent of the amount received by the State Highway Department from an annual registration as the time expired since the first of February bears to one year, provided that said fee shall never be less than one dollar. When any person other than a dealer, sells a vehicle embraced in this act, he shall endorse upon his certificate of registration a written transfer of the same and the purchaser shall send to the State Highway Department a notification of such transfer with the name and address in full of such purchaser, together with a transfer fee of one dollar, and the Highway Commission shall enter on its books the fact of such transfer and the name and address of such purchaser who shall be regarded as the owner thereof and amenable to the provisions hereof.

Sec. 14. Upon registering a motor vehicle, as hereinbefore provided, the State Highway Department shall, without additional charge, furnish to the owner of said motor vehicle two number plates or markers bearing the distinguishing number of said motor vehicle. The State Highway Department shall furnish number plates of uniform design, color and size for the entire State for any one year. Transportation charges on said plates, if any, shall be paid by the owner of said motor vehicles.

Sec. 15. On and after February 1, 1914, every motor vehicle, except motor cycles, shall at all times, while being used or operated upon the public highways of this State, have displayed in a conspicuous place and manner upon both the front and rear of said motor vehicle, a plate, or marker bearing the distinguishing number assigned said motor vehicle by the State Highway Department, and each operator of a motorcycle shall in like manner have displayed upon his machine one plate or marker bearing the distinguishing number of said motorcycle. Said plates or markers must be of the particular design for the current year, when used, and must be secured only from the State Highway Department as hereinbefore provided for: provided, that motor vehicles from other States will be exempt from the requirements of this law for a period of ninety days, if they have complied with the registration law of some other State or of a municipality in another State.

Sec. 16. Any person owning and operating a motor vehicle on the public highways of this State after the taking effect of these provisions without the number plate or markers displayed thereon, shall be guilty of a misdemeanor, and shall, upon conviction, be

fined the sum of ten dollars. Any person obtaining a number plate or marker from any other source than the State Highway Department, or its authorized agents, or except as herein provided, or any person not authorized by the State Highway Department who sells or offers to sell any plate or markers in imitation of those furnished by the State Highway Department shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than twenty-five dollars, provided that all prosecutions under this act shall be in the county where such person may live, or in which such person may operate such unnumbered or unmarked vehicle.

Sec. 17. Any manufacturer or dealer in motor vehicles in this State may, in lieu of registering each machine he may wish to show or demonstrate on the public highway, apply for registration with a general distinguishing number, which may be attached to any motor vehicle he sends temporarily upon the road. The annual fee for such registration shall be ten dollars, and additional plates or markers after the first two will be supplied at one dollar each. All the other provisions of this act shall apply in the case of dealer's registration.

Sec. 18. The certificate of registration, numbering, and provided for shall in addition to of all other registration the fee herein required by any county, city, town or other political subdivision.

Sec. 19. The State Highway Department shall purchase the number plates or markers at the least possible cost consistent with satisfactory material and workmanship. All funds derived from the annual registration fees herein provided for, shall, as fast as collected, be deposited with the State Treasurer to the credit of the State highway fund, and shall be drawn out only on warrants issued by the Comptroller's office upon vouchers drawn by the secretary of the Commission, approved by its president, such vouchers to be accompanied by itemized sworn statements of expense, except when said vouchers are for regular salaries of the employes or officers of said Commission.

Said fund shall be used for the support of the State Highway Department and for carrying on the work of said department as provided for in Sections 1 to 10 of this act.

Sec. 20. The sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the general revenues of the State not otherwise appropriated, to pay the expenses of the State Highway Commission prior to October 1, 1913; to purchase

the necessary office furniture and equipment; to provide the number plates herein required for motor vehicles for use on or before February 1, 1914; and to pay the general running expenses of said State Highway Department up to and including January 31, 1914.

Sec. 21. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 22. The importance of public highway construction along scientific methods, and the fact that Texas has no highway commission vested with power to superintend the construction of modern public highways, creates an emergency and an imperative public necessity for the suspension of the constitutional rule, requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

(Floor Report.)

Austin, Texas, August 14, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 29, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed, but that it be printed in the Senate Journal.

Conner, Chairman; Nugent, Carter, Bailey, Brelsford, Townsend, Clark, Oliver, McGregor.

Following is the bill in full:

S. B. No. 29.

By Nugent.

#### A BILL

#### To Be Entitled

An Act to prohibit the creation of deficiencies or debts in the name of the State by regents, directors, officers or members of governing boards of any of the educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or the creating of any debt inconsistent with existing laws, making invalid all such contracts and debts, prohibiting the diverting of funds, providing for penalties for violations of this act, repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall hereafter be unlawful for any regent, or regents, director or directors, officer or officers,

member or members, of any educational or eleemosynary institution of the State of Texas, to contract or provide for the erection or repair of any building, or other improvement, equipment or supplies of any kind whatsoever for any such institution, not authorized by specific legislative enactment, or by written direction of the Governor of this State acting under and consistent with the authority of existing laws, or to contract or create any indebtedness or deficiency in the name of or against this State, not specifically authorized by legislative enactment, or to divert any part of any fund provided by law to any other fund or purpose than that specifically named and designated in the legislative enactment creating such fund, or provided for in any appropriation bill.

Sec. 2. That any and all contracts, debts or deficiencies created contrary to the provisions of this act shall be wholly and totally void, and shall not be enforceable against this State.

Sec. 3. That any regent, director, officer or member of any governing board of any educational or eleemosynary institution who shall violate this act shall be at once thereafter removed from his position with such institution, and shall not thereafter be eligible to hold said position, and in addition thereto shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a period of not less than ten days, nor more than six months, the venue of such case to be in the county in which may be located the institution affected by such acts of such offender.

Sec. 4. That all laws and parts of laws in conflict herewith be, and the same are in all things repealed.

Sec. 5. The fact that the reckless and unwise creation of deficiencies in connection with some of our State educational and eleemosynary institutions constitute great evils in the administration of said institutions, and the lateness of the session create an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended, and said rule is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, August 14, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: A majority of your Committee on Educational Affairs, to whom was re-

ferred Senate bill No. 39, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed, but be printed in the Senate Journal.

JOHNSON, Chairman.

Committee Room,  
Austin, Texas, August 14, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: A minority of your Committee on Educational Affairs, to whom was referred Senate bill No. 39, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, and be not printed, but printed in the Senate Journal.

ASTIN.

Following is the bill in full:

S. B. No. 39.

By Warren.

#### A BILL

#### To Be Entitled

An Act providing for the construction of necessary buildings for the University of Texas; for raising the necessary funds for such purpose by the creation of the University of Texas Building Fund out of the income of the permanent University endowment and other revenue producing funds and out of the other sources of revenue from properties of the University and the issuance and sale of certificates against said University of Texas Building Fund so created; and authorizing the expenditure of the proceeds of said certificates in payment for the construction of the buildings authorized and permitted under the act; creating the Board of Building Commissioners, whose duty it is to supervise the construction of the necessary buildings under the act and the expenditure of the funds provided therefor, and further defining the duties and authority of said Board of Building Commissioners and fixing their salary; prescribing certain duties for carrying into effect the provisions of this act of the Governor of the State, the Attorney General, the Superintendent of Public Instruction, the President of the University of Texas and the President of the Board of Regents of the University of Texas, and conferring certain authority upon the Board of Regents of the University of Texas; making an appropriation of funds derived from the sale of the certificates herein provided for, for the

erection of the buildings and carrying out the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. There is hereby created the University of Texas Building Fund, and the Treasurer of the State shall open account with this fund on the books of his office.

Sec. 2. All moneys derived by the University of Texas from interest on bonds, land notes and land leases for the years 1913 to 1928, both inclusive, shall, when paid into the State Treasury, be placed to the credit of the University of Texas Building Fund, and may only be paid out and used in the manner hereinafter provided.

Sec. 3. The Board of Regents of the University of Texas are hereby authorized to issue University Building Fund certificates in an amount not exceeding two million dollars, which certificates shall be in convenient denominations and shall entitle the holder thereof to be paid out of the University of Texas Building Fund the amount named in the certificate with annual interest thereon at the rate of five per cent from the date of the certificate, until paid, each and all of said certificates to be payable on January 1, 1929. Said certificates shall be in form prescribed by the Attorney General and shall be in the nature of an order on the Treasurer of the State to pay the amount due thereon out of the University of Texas Building Fund. These certificates must be signed by the chairman of the Board of Regents of the University of Texas, approved by the Governor and registered by the State Treasurer. The Board of Regents shall have the option of paying off any one or all of said certificates at the expiration of any five-year period from the date of the certificates.

Sec. 4. The University of Texas Building Fund Certificates herein provided for may from time to time as needed be sold by the Board of Regents of the University of Texas in the open market for not less than par and accrued interest; or they may be purchased by the State Board of Education for the benefit of the public school fund of the State; the State shall be responsible for all such investments of the public school fund.

Sec. 5. All funds derived from the sale of the University of Texas Building Fund Certificates shall be deposited in the University of Texas Building Fund in the State Treasury, and are hereby appropriated for the construction of the

necessary buildings for the University of Texas as provided for in this act.

Sec. 6. All funds accumulated in the University of Texas Building Fund, and when not necessary for the purpose of paying for expenditures incurred under this act or the annual interest or the principal of the certificates herein provided for, they shall be deposited in some of the State depositories and interest thereon, as the same is paid, shall be added to the fund.

Sec. 7. There shall be appointed, as soon as this act goes into effect, by the Governor, the Attorney General, Superintendent of Public Instruction, the President of the University of Texas and the President of the Board of Regents of the University of Texas, acting as a board, a board of three members to be known as the University Building Commissioners, one of whom shall be appointed as superintendent of the construction of all buildings constructed hereunder; each of said building commissioners, before entering upon the duties of his office, shall enter into a bond with two or more good and sufficient sureties, to be approved by the Governor, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties under this act, said bond to be payable to the State of Texas and filed in the office of the Comptroller; he shall, in addition to the oath required by the Constitution, take and subscribe the following oath to be endorsed on said bond, to-wit:

"I, . . . . ., do solemnly swear that I will not directly or indirectly be interested or concerned with any contractor, or contractors or any architect for the erection of any buildings erected under my supervision or direction for the University of Texas, or any portion of the same, or in the proceeds or profits growing out of the same, or any work or labor done thereon or material furnished in the erection of the same or any portion thereof during the term for which I am appointed. So help me God."

And any one of said officers offending against the intent and meaning of this oath shall upon indictment and conviction suffer all the pains and penalties of perjury; and in case of a violation of the conditions of the bonds provided for shall be liable to an action thereon in the district court of Travis county and to a judgment for such damages as may be awarded against the obligors thereon by reason of the failure of the principal.

Sec. 8. One of said University Building Commissioners shall be an architect of at least ten years' experience in the practice of his profession; and he shall be the one selected as superintendent of construction; one of said Commissioners shall be a practical contractor who, at the time of his selection, shall be actively engaged in the business and who shall have had at least ten years' experience as a contractor; one of said Commissioners shall be a banker, who shall have had at least five years' experience in that profession. One of said Commissioners other than the superintendent of construction shall be elected by the Commissioners as chairman of the board, and the other remaining member of the board shall be elected secretary of the board. Said Commissioners must all be citizens of Texas, and none of them at the time of his selection shall be exceeding 60 years of age, and at the time of their selection must be actively engaged and following their respective professions. They shall each receive a salary of three thousand five hundred dollars (\$3500.00) per year and all necessary expenses, including traveling expenses when absent from the city of Austin on business for the Commission. It is provided, however, that said Commission shall cease to exist and the salaries attached thereto shall cease to be paid when the buildings herein provided for have been constructed and have been accepted by the Governor, Superintendent of Public Instruction, the Attorney General, the President of the University of Texas and the President of the Board of Regents of the University of Texas, acting as the board herein provided for.

Sec. 9. It shall be the duty of the University Building Commissioners to maintain an office in the Capitol of the State, in a room or rooms to be assigned to them by the Superintendent of Public Buildings and Grounds, and to devote their entire time to the duties of their positions. They shall daily visit the work as it progresses, inspect the work on the buildings and inquire into the manner in which the various contracts are being executed, and if they shall find any portion of the work done or the material furnished under any contract less valuable than that stipulated in the contract they shall give notice to the contractor that said work or material will not be received until such contractor immediately signifies his intention of procuring the proper material or reconstructing the work, as the



case may be; or, in case he shall so signify and shall fail to furnish such material or perform such work as contracted for within a reasonable time, then said Commissioners shall make known to him that his contract is at an end, and such contract shall be relet as originally provided for in this act. Provided, however, if the contractor shall have furnished any material or done any work, such as was not provided for, the Commissioners shall have the right, if it is equitable and right in their judgment, subject to the approval of the board composed of the Governor, Superintendent of Public Instruction, the Attorney General, the President of the University of Texas and the President of the Board of Regents of the University of Texas to allow the party its value, with such deductions therefrom as may be proper under the circumstances.

Sec. 10. Said Building Commissioners shall have the authority to employ all the necessary clerical help, auditors, stenographers and experts to maintain their offices and to efficiently carry into effect the objects and purposes of this act.

Sec. 11. It shall be the duty of said Commissioners, as soon as they shall have qualified as provided for in this act, to advertise for suitable plans for the buildings herein provided for. Said advertisements shall be sufficient in form to apprise those who may desire to submit plans of the kind, character and cost of building of the buildings to be constructed. Said Commissioners shall select the plans and specifications deemed most suitable for the buildings herein provided for or which may be provided for under the terms of this act, subject to the approval of the Governor, Superintendent of Public Instruction, the Attorney General, the President of the University of Texas and the President of the Board of Regents of the University of Texas, acting herein as a board; provided, however, that said Building Commissioners shall have authority to employ an architect of a national reputation to assist and advise them as to the selection of plans from among those submitted by the various architects submitting plans in response to the notice and advertisements provided for, and shall have authority to pay such architect for his services such sum as they may deem reasonable and proper or as may be agreed upon. In advertising for bids for architects the Building Commissioners shall observe the same method employed by the Board

of Building Commissioners of the Capitol of Texas, as is shown in the report of the Building Commissioners of the Capitol. The architect whose plans are accepted shall be paid a fixed sum, to be fixed at the time of the advertising for building plans by the Board of Building Commissioners, and shall not be paid upon a percentage plan. It being the intention of this act in this regard that the Board of Building Commissioners shall follow as near as may be practicable the methods and plans followed by the Board of Building Commissioners of the Capitol of Texas as shown in their report. But in no event shall the architect whose plans are accepted for the main building of the University be paid exceeding fifteen thousand dollars for his plans, specifications, etc., and in no event shall the architect whose plans are accepted for one of the dormitory buildings be paid an amount exceeding five thousand dollars for his plans and specifications; provided, however, that the acceptance of the plans and specifications of any architect shall not require him to oversee and supervise the buildings in accordance therewith unless such architect shall be afterwards employed by the Board of Building Commissioners as supervising architect, in which event he shall receive such compensation as may be agreed upon or allowed by the Board of Building Commissioners.

Sec. 12. After plans and specifications have been adopted for all buildings to be erected for the University of Texas said Commissioners shall advertise in at least six newspapers published in Texas and one in each of the cities of Kansas City, St. Louis, Chicago and New York for bids for the construction of said buildings, which advertisements shall contain a general description of the buildings to be erected. The contract or contracts for the building or buildings shall be let to the lowest bidder or bidders unless the building commissioners shall believe it to the best interest of the State to award the contract or contracts to another bidder or bidders. Any bidder or bidders to whom a contract is awarded shall enter into a bond in such amount as the building commissioners may specify, which bond must be secured by two or more good and solvent sureties or by some solvent bonding company chartered under the laws of Texas or having a permit to transact business within this State. The bond or bonds required shall be in amounts not less than double the amount of the respective bonds of the contractor or contractors and shall be payable to



the State, conditioned for the faithful performance of the contracts and for the payment of all such damages as may be sustained by reason of the failure to perform such contracts, which said bonds shall be deposited with the building commissioners.

Sec. 13. The superintendent of construction shall give his constant personal attention to all the work as it progresses and see that each and every portion of the same is executed in the manner required in the contracts, and from time to time report to the commissioners the progress of the work under the various contracts and the manner in which they are being executed. It shall be his special duty to note each departure or all departures from any contract on the part of the contractor or any failure to perform same in the manner stipulated and give notice thereof in writing to said commissioners at his earliest convenience.

Sec. 14. The payment of all bills, accounts and contracts incurred under the terms and provisions of this act shall be out of the University of Texas Building Fund in the Treasury on accounts approved by the building commissioners by drafts drawn by the Comptroller against said fund on the State Treasurer.

Sec. 15. There shall be constructed a main building for the University of Texas, which shall be sufficient in size to accommodate all departments of the University of Texas except the Medical Department, for class rooms, study and experimental work for an estimated attendance of five thousand students; provided, however, that such building shall not cost less than one million two hundred and fifty thousand dollars nor more than one and one-half millions of dollars. There shall be constructed one dormitory for girl students, which shall be sufficient in size to accommodate one thousand students. It shall be of the most approved sanitary construction, with bathing and toilet facilities conveniently connected with at least each two rooms. The entire building and all rooms shall be heated in the most approved and sanitary manner. Said building shall contain ample and sufficient arrangements for proper gymnastic and athletic exercises for said students, and shall be well ventilated and lighted according to the most approved modern methods. The intention of this act being that the building shall be of the most healthful and sanitary construction. If sufficient funds are in hand a similar building shall be constructed for a boys' dormitory. Such other buildings may be constructed as the

funds warrant and justify and as may be designated by the Board of Regents of the University of Texas.

Sec. 16. The buildings herein provided for the University of Texas shall be erected at such place or places as may be designated by the Board of Regents of the University of Texas; provided, however, that said buildings shall not be constructed upon any lands donated to the University for this purpose after the introduction of this bill in the Legislature; if necessary, lands may be purchased for the purpose of erecting the buildings required and permitted under this act; if necessary, such lands may be condemned as lands are condemned for public use under Title 78 of the Revised Statutes; provided, however, that the place of the erection of the buildings herein provided for shall be at all times within convenient distance to the present buildings of the University of Texas. Should the building site of the present main building of the University of Texas be selected by such board, then such building may be torn down under the direction of the Building Commissioners, and such material as may not be of use in the erection of other buildings shall be sold by such Commissioners at either private or public sale and the proceeds thereof deposited in the University of Texas Building Fund.

Sec. 17. All buildings provided for herein or which may be erected under the provisions of this act shall be of the classic style of architecture, similar to that of the State Capitol, except that the same may or may not have a dome similar to the Capitol, as may be decided by the Building Commissioners; the limitation herein provided being a limitation applicable to the general architectural designs of the buildings as distinguished from any other class of architecture.

Sec. 18. All buildings herein provided for or permitted hereunder shall be constructed of Texas granite, similar to that of which the Capitol of the State is constructed. All of said buildings shall be absolutely fireproof, and no wood whatever shall be used in the construction of the same, but iron, steel, granite, marble, concrete and other fire resistant or non-combustible substances shall be used. All buildings exceeding two stories in height shall be provided with a sufficient number of automatic elevators to accommodate the students in the main building and those residing in the dormitories.

Sec. 19. All material used in the construction of any building provided for or permitted under the provisions of this act shall be of the very best of its kind and class, to the end that the buildings when constructed may be of the best construction permitted by the present condition of the arts and sciences having to do with the construction of buildings; the general and governing purpose of this act being that the buildings shall be so constructed as to last for all time to come as nearly as this may be done.

Sec. 20. It shall be the duty of the State Inspector of Masonry constantly to act with the Board of Building Commissioners and examine and inspect the work as it progresses and make such reports to the Building Commissioners of the progress of the work and also of all defects found by him as may in his judgment be necessary. But his authority and supervision over the work shall be exercised through the Board of Building Commissioners, and it shall be his duty to act in harmony with said board.

Sec. 21. It shall be the duty of the Building Commissioners to make quarterly reports of the progress of their work to the Governor, Superintendent of Public Instruction, the Attorney General, the President of the University of Texas and the President of the Board of Regents of the University of Texas, acting as the board herein provided for; and shall also be their duty to make a report of the progress of their work of all work done by them at each meeting of the Legislature which may assemble after the passage of this act while such work is in progress. The Building Commissioners shall keep an accurate record of all their acts, including a minute book, and shall keep the original or all letters and communications received by them and correct copies of all letters, telegrams and communications sent by them; and when their work shall have finally terminated they shall make a complete and full report to the Governor of all things done by them, all moneys expended and a complete history of each and all of their official actions, after the manner of the report of the Capitol Building Commissioners. Said report shall be published and copies thereof furnished the Governor and the heads of all departments and State Boards and Commissions, and one copy to each member of the Legislature. There shall also be published at least five hundred additional copies for public distribution. The papers, correspond-

ence, accounts and books of the Commission shall at all times be open to the inspection of any member of the Legislature, the heads of departments of government and the Board of Regents of the University of Texas.

Sec. 22. The Governor of the State, Superintendent of Public Instruction, the Attorney General, the President of the University of Texas and the President of the Board of Regents of the University of Texas may from time to time when they deem it expedient employ an auditor or examiner to examine the books, records and accounts of the Board of Building Commissioners and make such report to them as they may deem proper and necessary. Such auditor shall have full access to all the books, records, correspondence, accounts, plans, specifications and all other things contained in the office of the Board of Building Commissioners. He shall receive such compensation for his services as may be fixed by the board herein referred to as being composed of the Governor of the State and others, to be paid out of the University Building Fund by warrants drawn by the Comptroller on accounts approved by the Governor.

Sec. 23. The fact that the University of Texas is without adequate buildings and without a sufficient amount of funds to construct buildings of necessary size and design, and the fact that this session of the Legislature will last for the short period of thirty days, creates an emergency and an imperative public necessity requiring that the constitutional rule which provides that bills shall be read on three several days in each house be suspended, and that this act take effect from and after its passage, and it is so enacted.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 24, have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed, but that it be printed in the Senate Journal.

Morrow, Chairman; Hudspeth, Carter, Clark, Watson, Lattimore, Greer.

Following is the bill in full:

A BILL

To Be Entitled

An Act to amend Section 5695, Revised

Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's lien on real estate, and providing that said sections shall hereafter read as follows, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5695, Revised Civil Statutes of Texas, 1911, Chapter 2, Title 87, as amended by Chapter 123, Acts of the Thirty-third Legislature, shall hereafter read as follows:

Article 5695. When the date of maturity of either debt referred to in either of the foregoing articles is extended, if the contract of extension is signed and acknowledged as provided for in the law relating to the execution of deeds of conveyance by the party or parties obligated to pay such indebtedness as extended and filed for record in the county clerk's office in the county in which the land is situated, the lien shall continue and be in force until four years after maturity of the notes as provided in such extension, the same as in the original contract and the lien shall so continue for any succeeding or additional extension so made and recorded. The date of maturity set forth in the deed of conveyance or deed of trust or mortgage or the recorded renewal and extension of the same shall be conclusive evidence of the date of maturity of the indebtedness therein mentioned. Provided, that the owners of all notes secured by deeds of trust or other liens and the owners of all vendor's lien notes reserved in deed of conveyance which were executed prior to July 14, 1905, and which are more than four years past due at the time this Act takes effect, as shown by the original mortgage, deed of trust or conveyance, or last record extension shall have twelve months after this act takes effect within which they may obtain such record extension as hereinbefore provided for, or bring suit to enforce the liens securing them if same are valid obligations when this act takes effect, and if such debt is not so extended of record, or suit is not brought within such time, the right to extend such debt of record, or bring suit to enforce such liens shall be forever barred; and provided, that the owners of all notes secured by deeds of trust or other liens and the owners of all vendor's lien notes reserved in deed of conveyance which were executed subsequent to July 14,

1905, shall have four years after this act takes effect within which they may obtain such recorded extension as herein provided for, or bring suit to enforce the liens securing them if same are valid obligations and not already barred by the four years statutes of limitation when this act takes effect, and if such debt is not extended of record, or suit is not brought within such four years or four years after they mature, they shall be forever barred from the right to extend such debt of record, or bring suit to enforce the lien securing the same, and further provided, if any such obligations executed subsequent to July 14, 1905, were barred by the four years statute of limitation on the 30th of June, 1913, the owners thereof shall have four years within which to bring suit to enforce the lien securing the same; and providing those owning the superior title to land retained in any deed of conveyance or his transferee and those subsequently acquiring such superior title by transfer, shall have twelve months after this act takes effect within which to bring suit for the land if their claim to the land is not otherwise invalid and unless such suit is brought within twelve months after this act takes effect they shall be forever barred from bringing suit to recover the same.

Sec. 2. The fact of the near approach of the end of this session and that great confusion exists by reason of the form of said Section 5695, as heretofore amended in the preparation of deeds of trust and extension of liens and in the closing of loans thereon, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each House and this act shall take effect and be in force from and after its passage.

#### HOUSE BILL NO. 9.

The following bill is printed here by motion of Senator Conner:

H. B. No. 9. By Williams of McLennan.

#### A BILL

#### To Be Entitled

An Act to regulate and supervise the sale and purchase, in this State, of stocks of private, foreign and domestic corporations organized for profit, which propose to increase their capital stock;

and to regulate and supervise the sale and purchase, in this State, of stocks of private, foreign and domestic corporations being organized and hereafter organized, or proposed to be organized, for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stock of such corporation or proposed corporation, and to fix commission and promotion fees allowed to be charged; and providing for service of process, examination fees, and exempting certain corporations from the effect of this act; providing penalty for the violation of the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Every private corporation, foreign or domestic, organized for profit, which is now attempting or shall hereafter attempt to increase its capital stock, and every proposed corporation attempted to be organized which shall, directly or indirectly, through itself, its agents or employees, or through any person or association of persons, holding companies, sales companies or otherwise, or through any other agents, sell or contract to sell any stock of such corporation or proposed corporation, upon which sale or proposed sale or contract of sale any part of the proceeds derived or to be derived therefrom are used or to be used, directly or indirectly, for the payment of any commission, promotion, organization fee or other expenses incident, directly or indirectly, to the sale of its share of stock, except attorney's fees, charter fees, franchise tax, permit fees and stationery and supplies, shall be subject to the provisions of this act.

Sec. 2. This act shall also apply to any mining, oil or gas corporation increasing its stock or proposed mining, oil or gas corporation attempting to sell stock in which any land or mineral or thing of value is to be procured from, in or under such land that has been or is to be placed as an asset with or in the corporation or proposed corporation, whether any promotion fee is charged or not, and to any townsite corporation or proposed townsite corporation.

Sec. 3. Before offering for sale or contracting to sell, directly or indirectly, any stock of such proposed corporation, or such increased stock of any existing corporation, or before selling any stock in any townsite corporation as provided in Section 2, such corporation, or those

promoting or having charge of the sale of stock of any proposed corporation, shall file, under oath, in the office of the Secretary of State, where, under the law, a charter would be filed in his department, or in the office of the Commissioner of Insurance and Banking, where, under the law, a charter would be filed in his department, together with a filing fee of twenty dollars, the following documents: A statement showing in full detail the plan upon which the corporation proposes to increase its capital stock, or upon which the promoters or those having charge of the sale of stock of any proposed corporation proposes to sell its stock and organize the corporation, together with a copy of all the forms of contracts, stock (or deeds, if the same shall come under Section 2 hereof) to be used by the corporation or promoters, or those having charge of the sale of stocks of any proposed corporation in connection with such stock sales. The statement shall further show the name, location and domicile of such corporation, and the names of its officers or proposed officers, if any, or promoters, and the addresses of all the parties; the amount of capital stock of any corporation already organized, the proposed increase, or the proposed capital stock of the corporation to be organized, and the price at which the stock is proposed to be sold; and the price at which the stock is proposed to be sold shall not be changed without filing with the secretary or commissioner, as the case may be, a statement of such change, which shall be subject to his approval. Any such corporation or promoters of such proposed corporation shall furnish the secretary or commissioner such other information as may be necessary or proper concerning the sale of its stock.

If it shall be a corporation organized under the laws of any other jurisdiction, it shall file with the Secretary or commissioner a copy of its charter, and such other evidence of its authority as the secretary or commissioner may require.

Said statement shall also show the commission, promotion fee and other estimated incidental expenses proposed to be charged for the organization of such proposed corporation, or the increase in the capital stock of any corporation already organized, and how the commissions or fees are to be paid.

If the corporation or proposed corporation comes under Section 2 hereof, the officers of the corporation, or the promoters of the proposed corporation shall



state the facts upon which they base their estimate of the actual value of the property which is to become an asset of the corporation, and the secretary or commissioner shall require such proof as he may deem proper to establish the actual value of the property.

The secretary or commissioner shall have the right to employ such experts as he may deem necessary, and the experts shall be employed at the expense of the corporation or promoters of a proposed corporation.

No corporation proposed to be organized for the purpose of buying or selling town sites and town lots shall hereafter be granted a charter by the Secretary of State, or if a foreign corporation shall not be granted a permit to do business in the State of Texas unless the incorporators of said proposed corporation or officer of such foreign corporation shall file with the Secretary of State each and every document, contract and all papers referred to in Section 3 of this act, as well as a general statement of the plan of its proposed townsite, and a general statement of its methods of advertising same, together with a sample copy of its advertising literature, and no charter shall be granted any corporation unless after the compliance with the provisions of this act and in the judgment of the Secretary of State, such business of any proposed townsite corporation will be honestly and fairly conducted, both to the corporation and to the public. And each and every corporation in this State now existing or hereafter organized desiring to engage in the sale of townsite lots or sites shall, prior to such sale, file with the Secretary of State a general plan of said proposed lots to be sold, as well as a copy of any and all proposed contracts to be made with the public in the sale thereof, and a general statement of the literature proposed to be issued, and all matter referred to in Section 3 hereof, and if in the judgment of the Secretary of State said sale will be conducted both honestly and fairly to the corporation and to the public, a permit to conduct said sale shall be granted. This provision shall not be construed to authorize the creation of any corporation for any purpose not now authorized by the laws of this State.

Sec. 4. The secretary or commissioner, upon the receipt of the information as provided for in Section 3, shall grant or refuse such permit.

If the secretary or commissioner shall

decide that the sale of stock will be fairly and honestly conducted, both to the corporation and to the public, such permit shall be granted, provided that the commissions, promotion and other incidental expenses, exclusive of the exempted expenses mentioned in Section 1 of this act shall not be more than fifteen (15) per cent of the price at which such stock is to be sold as shown by the application or amended application.

Provided, that where any proposed corporation has already sold its stock, or a part thereof, or any part thereof has been subscribed at the time this act shall take effect, this act shall not affect stock previously sold or subscribed nor any contracts made in reference to same; but if any of the stock of said proposed corporation remains unsold or unsubscribed, said corporation shall, nevertheless, be entitled to a permit upon complying with the other conditions of this act, including the future sale or subscription of any of its stock.

The commission or promotion fee shall be paid to the agent or promoter as the stock is sold by him and paid for by the purchaser. The stock shall be considered as paid for when paid for in cash, property or labor.

No permit shall be granted unless there shall appear upon the subscription lists and contracts of such corporation or proposed corporation, in bold type, the amount of the commissions, promotion fees and other estimated expenses incident to the sale of such stock, and the interest which the officer, agent, employe or promoter selling or contracting to sell such stock has in such sale; nor shall such permit be granted until the applicants therefor have entered into a bond for not less than one thousand dollars (\$1000) nor more than one hundred thousand dollars (\$100,000), the same to be fixed by the secretary or commissioner at not more than ten per cent of the stock proposed to be issued. The said bond shall be payable to the secretary or commissioner as the case may be, and his successor in office, conditioned that the facts set forth in the application for such permit, and the proof and statements offered to such secretary or commissioner, upon which the application is based, are true, and that they will comply with the provisions of this act in the sale of the stock of such corporation or proposed corporation. Said bond may be made with individual sureties or a surety company authorized to do business in the State of



Texas, and the bond shall be approved by the secretary or commissioner.

Sec. 5. If a permit shall be refused by the secretary or commissioner the parties applying therefor may bring suit in the district court of Travis county, Texas, to require said secretary or commissioner to issue such permit.

Sec. 6. Any person who shall be induced to purchase any stock of any corporation or proposed corporation by the officers, agents, employes, promoters or trustees, by reason of any misrepresentation of any material fact concerning such stock, such person or persons shall have the right to bring suit upon the bond above provided for, and such bond shall be subject to, and security for, such person so purchasing the stock, provided that such person shall not be entitled to recover more than the money paid, or the actual value of the property given, or the labor performed, in exchange for such stock, with legal interest from the date of the payment or the performance of the services, or the transfer of the property.

One or more recoveries upon such bond shall not vitiate the same, but it shall remain in full force and effect, but no recoveries upon such bond shall ever exceed the full amount of same, and upon suits being filed in excess of the amount of same, the secretary or commissioner may require a new bond, and if the same is not given within thirty days, he may cancel the permit herein provided for.

Whenever any permit has been issued, the corporation or persons receiving the same shall file a list of the names of their or its authorized officers, agents and employes, and the postoffice address of each; and, in case of the change of any of its officers, agents or employes, it shall file a list of such changes with the secretary or commissioner.

Sec. 7. All moneys or other things of value collected by such corporation or the promoters of a proposed corporation, for the sale of its stock, or contract for the sale of its stock, shall be deposited by said corporation to its credit, or by the promoters of a proposed corporation, to the credit of its proposed officers or trustees, with the exception of the amount allowed for commissions, promotion fees and other incidental expenses, with a bank, bank and trust company or trust company incorporated under the laws of this State, or of the United States.

Sec. 8. All such corporations, and the

organizers or trustees of proposed corporations shall keep a set of books, which shall show the amount of money, or other things of value received by such corporation or proposed corporation, from the sale of its stock, or from contracts of sale of its stock, and such books shall show the number and amounts of stock sold or contracted to be sold, by whom sold, and to whom sold, or contracted to be sold, and the postoffice address of each. Said books shall at all times be open for inspection by the secretary or commissioner, or his duly authorized agent.

Sec. 9. Whenever the secretary or commissioner shall have information that any corporation, or the promoters of the proposed corporation, its officers, agents or employes, are not complying with the terms of this act in the sale of its stock they shall notify such corporation, or the officers, agents or employes or the promoters of the proposed corporation to appear, within twenty days, and show cause why such permit should not be cancelled, and after the hearing such secretary or commissioner shall have the right to cancel such permit if the proof shall show that such corporation or proposed corporation, or its officers, agents or employes are not complying with the terms of this act, but the parties or corporation holding such permit shall have the right to bring suit, in the district court of Travis county, Texas, against the secretary or commissioner, to reinstate such permit to sell stock.

Sec. 10. No permit to sell stock shall ever be issued to any foreign corporation which could not, under the facts and circumstances and conditions, at the time of its application for a permit to sell stock, or amended application, have procured a charter under the laws of Texas.

Sec. 11. Each foreign corporation or the promoters of any proposed foreign corporation desiring to sell or contract to sell its stock in this State shall first file with the secretary or commissioner a like power of attorney to that provided for life insurance corporations in Article 4773, Revised Civil Statutes of the State of Texas of 1911, and service may be had upon the corporation and the secretary or commissioner, as the case may be, as therein provided for, and the secretary or commissioner, as the case may be, upon receipt of such process as is therein provided for, shall proceed as is provided for him to do in Article 4774, Revised

Civil Statutes of the State of Texas of 1911, and the secretary or commissioner's acts and conduct in regard to such power of attorney, and such process shall be the same as is provided for in said Articles 4774 and 4773, and the effect, force and result of such acts shall be the same as therein provided for.

Sec. 12. It shall hereafter be unlawful for any officer, agent or employe or trustee, or holding company, or sales agents, or person, or association of persons in this State to sell, or offer to sell, or contract to sell, directly or indirectly, for such concern, any stock of any corporation or proposed corporation, subject to this act, which has been, proposed to be, is now being, or may hereafter be organized for profit, without first complying with the provisions of this act, and any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than two thousand dollars, and in addition thereto may be imprisoned in the county jail for any period not more than one year, or by both such fine and imprisonment.

Sec. 12a. At the expiration of two years from the granting of a permit under this act if the proposed corporation has failed to organize, then all subscribers must be refunded the amount paid to the promoter or trustee; provided, however, that the secretary or commissioner may grant an extension of time for the sale of securities.

Sec. 13. This act shall be construed to be cumulative of any other law or laws of this State.

Sec. 14. The terms of this act shall not apply to any national bank, nor to any corporation having a charter granted under any act of the Congress of the United States, nor to any State bank, bank and trust company or trust company organized under the laws of this State, nor to any corporation organized under the Federal Reclamation Act, approved June 17, 1902, or the regulations established by the Secretary of the Department of the Interior in pursuance thereof. Nor shall the terms of this act apply to any corporation or the promoters of any corporation organized under the laws of Texas which does not sell or contract to sell its stock to more than twenty-five bona fide purchasers; provided, it does not act as the agent or trustee, holding company or sales company in the promotion of any concern which is included under the terms of this act. Nor shall this act apply to

any railroad or railway company or inter-urban railroad or railway company, or street railroad or railway company. Nor shall this act apply to the sale of stock of a corporation by a bona fide owner of same, who had in good faith bought the same, and who in the purchase and sale of same was and is not acting directly or indirectly as promoter or agent of such corporation. Nor shall this act apply to a bona fide stock or stock broker in the sale of stock, which stock has been by such corporation sold and issued to a bona fide purchaser prior to the offering of same for sale by such broker; provided, that such purchaser or broker was not acting, directly or indirectly, as promoter of such corporation.

Sec. 15. All moneys collected under the terms of this act by the secretary or commissioner shall be quarterly deposited by him with the State Treasurer and credited to the general fund. Whenever the secretary or commissioner shall deem it necessary to examine the books of any corporation or proposed corporation, subject to the provisions of this act, or investigate its financial condition, he shall do so at the expense of the corporation or proposed corporation under investigation, and the corporation or the agents of the corporation or proposed corporation being investigated shall pay to the secretary or commissioner, or his agent, making the investigation his actual expenses and seven dollars and fifty cents per day for such investigation, which said expenses shall be paid at the termination of such investigation by the concern investigated.

Sec. 16. Whenever the word "secretary" is used in this act it shall be considered to mean Secretary of the State of Texas, and wherever the word "commissioner" is used in this act it shall be considered to mean Commissioner of Insurance and Banking of the State of Texas.

Sec. 17. The fact that there is no law in this State regulating the sale of stocks of numerous corporations which are selling such stocks throughout this State, many of which are worthless, and the fact that the people of this State are being imposed upon by unscrupulous persons selling such worthless stocks, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

## TWENTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,  
Friday, August 15, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

Absent—Excused.

Real.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Carter.

## EXCUSED.

On account of important business:

Senator Real for today and tomorrow, on motion of Senator Cowell.

Morning call concluded.

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Collins:

I move that the Senate allow the per diem of the Senator from Cass from the day he arrived in Austin, August 6, 1913, and offered to be sworn in, and that the Clerk be instructed to issue his voucher accordingly.

Senator Brelsford offered the following amendment:

"Provided, that contestant and contestee be paid \$200 each for attorney's fees and expenses to be paid out of contingent expense fund of Senate."

Senator Morrow offered the following amendment to the amendment:

Amend the amendment so as to strike out "\$200" and insert "\$100."

Pending discussion, Senator Wiley made the point of order on the consideration of this resolution, that the Senate had previously referred a like resolution to a committee and that the committee had reported adversely and the action should be on that committee report.

The Chair overruled the point of order, holding that this was a separate resolution.

Senator Watson offered the following substitute for the resolution, amendment and the amendment to the amendment:

Whereas, The Hon. Dr. A. C. Oliver has been forced to employ attorneys to represent him in the contest for a seat in this body, filed by Hon. C. A. Wheeler, at a cost of \$200, and has been forced to expend other sums of money in the proper defense of his right to same; and

Whereas, The sum of \$200 is a reasonable fee for the services of said attorneys; and

Whereas, Said A. C. Oliver presented to this body his certificate of election duly authenticated by the Secretary of State of Texas on the 6th day of August, 1913, and presented himself at the bar of the Senate and requested that he be administered the oath of office as Senator from the First Senatorial District of Texas; therefore, be it

Resolved by the Senate, That the Committee on Contingent Expenses be authorized and directed by the Senate to approve the account of Hon. A. C. Oliver for the sum of \$200 for attorney's fees incurred by him, and that the approved account of the chairman of said committee is, and shall be, authority for the Comptroller to issue his warrant therefor, and that the said A. C. Oliver be paid his per diem beginning August 6, 1913.

CLARK,  
WATSON.

Senator Terrell offered the following amendment to the substitute:

Amend the resolution by adding the sum of \$200 for attorney's fees for Hon. C. A. Wheeler.

Senator Wiley moved that all the pending matter be referred to the Committee on Contingent Expenses.

Senator Watson moved to table the motion to refer to a committee, which motion to table was lost by the following vote:

Yeas—8.

Bailey of De Witt.	Harley.
Bailey of Harris.	Hudspeth.
Brelsford.	McGregor.
Clark.	Watson.

## Nays—16.

Carter.	McNealus.
Collins.	Nugent.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Lattimore.	Wiley.

## Present—Not Voting.

Astin.	Oliver.
Morrow.	

## Absent.

Johnson.	Willacy.
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## Absent—Excused.

Real.

The motion to refer the pending resolutions to the committee was then adopted.

Senator McGregor moved to reconsider the vote by which the motion to refer the resolution was adopted.

Senator Taylor moved to table the motion to reconsider, which motion was adopted by the following vote:

## Yeas—16.

Bailey of Harris.	McNealus.
Carter.	Nugent.
Collins.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Hudspeth.	Wiley.

## Nays—7.

Astin.	Harley.
Brelsford.	McGregor.
Clark.	Watson.
Conner.	

## Present—Not Voting.

Bailey of De Witt.	Morrow.
Lattimore.	Oliver.

## Absent.

Johnson.	Willacy.
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## Absent—Excused.

Real.

## HOUSE MESSAGE.

U. co. two, video, Hall of the House of Representatives, trustee, Austin, Texas, August 15, 1913. pany in Will H. Mayes, President of the which is fe. this act. N am directed by the House to

inform the Senate that the House has passed the following bills:

Senate bill No. 12, A bill to be entitled "An Act to amend Chapter 132 of the Acts of the Thirty-third Legislature, entitled 'An Act to provide for indeterminate sentences of persons convicted of certain crimes; for the determination of such sentences and the release of such persons on parole; providing for exemption from the operations of the law in certain cases, and repealing all laws in conflict herewith, and declaring an emergency.'"

House bill No. 39, A bill to be entitled "An Act to prohibit the use of any imitation label, trade mark, design, device, imprint or form of the flag of the State of Texas for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, fixing a penalty for violation thereof, and declaring an emergency."

House bill No. 56, A bill to be entitled "An Act creating the Port Aransas Independent School District, known as Common School District No. 8, in Nueces county, Texas, and including within its limits the municipal corporation of the town of Port Aransas; and defining its boundaries; and to provide for the creating of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers, and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools, providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of the board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith, in so far as they conflict with this act, and declaring an emergency."

House bill No. 72, A bill to be entitled "An Act to amend and re-enact Article 5585 and Article 5588, Title 83, Chapter 3 of the Revised Civil Statutes of Texas, relating to seawalls and breakwaters, and declaring an emergency."

House bill No. 75. A bill to be entitled "An Act creating the Copita Independent School District in Duval county, Texas; defining its metes and bounds;

vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general law; providing for a board of trustees therefor, and declaring an emergency."

House bill No. 81, A bill to be entitled "An Act to repeal Chapter 121, Special Laws of the Regular Session of the Thirty-third Legislature, the same being a special road law for Liberty county, and declaring an emergency."

House bill No. 62, A bill to be entitled "An Act to change and prescribe the time for holding district court in the Forty-ninth Judicial District of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILLS ON FIRST READING.

The Chair (Lieutenant Governor Mayes) referred, after their captions had been read, the following House bills:

House bill No. 39, referred to Judiciary Committee No. 2.

House bill No. 56, referred to Committee on Public Education.

House bill No. 72, referred to Committee on Internal Improvements.

House bill No. 75, reported to Committee on Educational Affairs.

House bill No. 81, referred to Committee on Roads, Bridges and Ferries.

House bill No. 62, referred to Committee on Judicial Districts.

(President Pro Tem. Carter in the chair.)

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Townsend:

I move that the Free Conference Committee on House bill No. 2 on the part of the Senate be and it is hereby urged to retain the item of \$25,000, or so much thereof as may be necessary, for the enforcement of the liquor laws for the next two years under the Comptroller's Department as specified in the House bill covering such matter, and that if any action is taken thereon, that such action be rescinded, if possible.

Senator Willacy moved to table the resolution, which motion was lost by the following vote:

Yeas—10.

Bailey of De Witt.	McGregor.
Bailey of Harris.	Nugent.
Clark.	Oliver.
Harley.	Watson.
Hudspeth.	Willacy.

Nays—13.

Brelsford.	McNealus.
Carter.	Morrow.
Conner.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Westbrook.
Lattimore.	

Present—Not Voting.

Collins.	Warren.
Cowell.	Wiley.

Absent—Excused.

Real.

PAIRED.

Senator Astin (present), who would vote "yea," with Senator Johnson (absent), who would vote "nay."

#### REASONS FOR VOTE.

I vote "yea" to table the resolution and "nay" on the resolution by the Senator from Angelina for the reason that the members of the Free Conference Committee on the part of the Senate have fully investigated the question as to the amount of money necessary to be expended in the enforcement of the liquor laws of the State, and have decided that \$15,000 for two years is enough. While I am strictly in favor of enforcing the liquor laws, I am in favor of standing by the acts of our Senate committee, who have acted upon full investigation and information.

NUGENT.

The resolution was read and adopted by the following vote:

Yeas—12.

Brelsford.	McNealus.
Carter.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Lattimore.	Westbrook.

Nays—10.

Bailey of De Witt.	Conner.
Bailey of Harris.	Harley.
Clark.	Hudspeth.



McGregor.  
Nugent.

Oliver.  
Willacy.

Present—Not Voting.

Collins.  
Cowell.

Wiley.

Absent—Excused.

Real

### PAIRED.

Senator Astin (present), who would vote "nay," with Senator Johnson (absent), who would vote "yea."

Senator Watson (present), who would vote "nay," with Senator Morrow (absent), who would vote "yea."

Senator Townsend moved to reconsider the vote by which the resolution was adopted and lay the motion on the table.

The motion to table was adopted.

### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Watson:

Be it resolved, That the Committee on Contingent Expenses be requested to report on the resolution and amendments to pay the expenses, attorney's fees, etc., in the contest for a seat from the First Senatorial District not later than 2:30 p. m. on this date.

The resolution was read and adopted.

### BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Hudspeth:

Senate bill No. 48, A bill to be entitled "An Act to amend Section 2, Chapter 67, Local and Special Laws of the Acts of the Thirty-second Legislature of the State of Texas, creating a special road law for Mason county, Texas, so as to provide that hands employed to work on the public roads shall be paid not more than \$1.50 per day, and that not more than \$3 per day shall be paid for a team and driver, and further so as to provide that the superintendent of roads and bridges shall have charge of all public roads and bridges and supervise all work done thereon, but that the county commissioners shall inspect the roads within their respective precincts once each month, and shall receive as compensation therefor \$3 per day for the time actually employed in the discharge of such duty, provided

that no commissioner shall receive pay for more than three days in any one month, and providing for an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator McNealus (by request):

Senate bill No. 49, A bill to be entitled "An Act amending Chapters 104 and 106 of the General Laws of the Regular Session of the Thirty-third Legislature, so as to permit the use of the co-insurance clause in policies of insurance at the option of the assured or property owner, and declaring an emergency."

Read first time and referred to Committee on Insurance, Statistics and History.

### SENATE BILL NO. 25.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 25, A bill to be entitled "An Act to authorize the Governor, Attorney General and Land Commissioner to lease the water rights in the Guadalupe river in De Witt county upon such terms and for such consideration as they may prescribe, and providing priority of interest in leasing and also providing means of adjusting damage for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation; the manner of measuring water and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made, and fixing the rights of purchasers of said leaseholds, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Bailey of De Witt, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Astin.	Conner.
Bailey of DeWitt.	Cowell.
Bailey of Harris.	Darwin.
Carter.	Greer.
Clark.	Harley.
Collins.	Hudspeth.

Lattimore.	Townsend.
McGregor.	Watson.
Nugent.	Westbrook.
Oliver.	Wiley.
Taylor.	Willacy.
Terrell.	

Absent.

Brelsford.	McNealus.
Gibson.	Morrow.
Johnson.	Warren.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—23.

Astin.	Hudspeth.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	McGregor.
Carter.	Oliver.
Clark.	Taylor.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Watson.
Darwin.	Westbrook.
Gibson.	Wiley.
Greer.	Willacy.
Harley.	

Absent.

Brelsford.	Morrow.
Johnson.	Nugent.
McNealus.	Warren.

Absent—Excused.

Real.

Senator Bailey of Dewitt moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

### RECESS.

On motion of Senator Westbrook, the Senate, at 12 o'clock m., recessed until 2:30 o'clock today.

### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

### SENATE BILL NO. 16.

(Pending Business.)

Action recurred on the pending business, Senate bill No. 16, the question being on the pending amendment by

Senator Lattimore (see Journal of yesterday for amendment) and the amendment was adopted.

Senator Bailey of Harris made the following motion in writing, which was read and adopted:

I move to rescind the action of the Senate of yesterday by which the amendment of the Senator from Jefferson proposing to amend Section 6 of the printed bill so as to provide that timber lands shall be improved, subdivided and sold within a period of fifteen years instead of twenty-four years, was tabled.

Action recurred on the amendment by Senator Collins, and the same was adopted.

Senator Bailey of Harris made the following motion in writing:

I move to rescind the action of the Senate of yesterday by which the amendment of the Senator from Angelina proposing to amend the printed bill by adding after Section 15 of the bill so as to provide that no corporation which has violated Article 1176 of the Revised Civil Statutes of the State of Texas, which has acquired by lease, purchase or otherwise, more land than is necessary to enable them to carry on their business and have not alienated their lands within fifteen years, as required by said statute, shall come under the provisions of this act, was tabled.

Senator Clark moved to table the above motion, which motion was lost.

The motion by Senator Bailey of Harris was adopted.

Action recurred on the amendment referred to in the above motion, and the same was adopted.

Senator Astin offered the following amendment, which was read and adopted:

Amend the bill on page 6, line 19, by striking out all after the word "insurance," in said line, and all of line 20.

Senator McNealus offered the following amendment:

Amend the bill, page 2, by striking out all of the bill following line 5, including all of pages 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14.

Senator Bailey of Harris moved to table the amendment, and

Senator Hudspeth moved the previous question on the amendment and the bill, which motion being duly seconded was so ordered.

Action recurred on the motion to table the amendment, and the same was adopted by the following vote:

Yeas—19.

Bailey of De Witt.	Brelsford.
Bailey of Harris.	Carter.

Collins.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Harley.  
Hudspeth.  
Lattimore.

McGregor.  
Morrow.  
Nugent.  
Taylor.  
Terrell.  
Warren.  
Watson.

Nays—7.

Astin.  
Clark.  
Conner.  
McNealus.

Townsend.  
Westbrook.  
Wiley.

Absent.

Johnson.  
Oliver.

Willacy.

Absent—Excused.

Real.

Action recurred on the engrossment of the bill, and

Senator Townsend made the point of order that the committee report had not been adopted and in that the report was a "floor" should be acted on.

The Chair overruled the point of order.

The bill, having been read, was passed to engrossment by the following vote:

Yeas—17.

Astin.  
Bailey of De Witt.  
Bailey of Harris.  
Brelsford.  
Carter.  
Collins.  
Cowell.  
Greer.  
Harley.

Hudspeth.  
Lattimore.  
McGregor.  
Morrow.  
Nugent.  
Terrell.  
Warren.  
Watson.

Nays—8.

Clark.  
Conner.  
Darwin.  
McNealus.

Taylor.  
Townsend.  
Westbrook.  
Wiley.

Present—Not Voting.

Gibson.

Absent.

Johnson.  
Oliver.

Willacy.

Absent—Excused.

Real.

On motion of Senator Bailey of Harris, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Astin. Bailey of Harris.  
Bailey of DeWitt. Brelsford.

Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Harley.  
Hudspeth.  
Lattimore.

McGregor.  
McNealus.  
Morrow.  
Nugent.  
Taylor.  
Terrell.  
Warren.  
Watson.  
Westbrook.  
Wiley.

Nays—2.

Clark.

Townsend.

Absent.

Johnson.  
Oliver.

Willacy.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—16.

Astin.  
Bailey of De Witt.  
Bailey of Harris.  
Brelsford.  
Carter.  
Collins.  
Cowell.  
Greer.

Harley.  
Hudspeth.  
McGregor.  
Morrow.  
Nugent.  
Terrell.  
Warren.  
Watson.

Nays—9.

Clark.  
Conner.  
Darwin.  
Lattimore.  
McNealus.

Taylor.  
Townsend.  
Westbrook.  
Wiley.

Present—Not Voting.

Gibson.

Absent.

Johnson.  
Oliver.

Willacy.

Absent—Excused.

Real.

Senator Bailey of Harris moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House does not concur in Senate amendments to House bill No. 24 and requests the appointment of a Free Conference Committee. The following members on the part of the House have been appointed: Messrs. Wortham, Hill, Kirby, Goodner, and Woods of Navarro.

Respectfully,  
W. R. LONG,  
Chief Clerk House of Representatives.

#### HOUSE BILL NO. 24—FREE CONFERENCE COMMITTEE ON.

Senator Willacy made the following motion:

I move that the request of the House for a Free Conference Committee on House bill No. 24 be granted and that the following committee be appointed on the part of the Senate: Senators McGregor, Wiley, Brelsford, Taylor, Bailey of DeWitt.

The above motion was read and adopted.

#### BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Gibson (by request):

Senate bill No. 50, A bill to be entitled "An Act repealing Chapter 105 of the General Laws of the Regular Session of the Thirty-third Legislature."

Read first time and referred to Committee on Insurance, Statistics and History.

#### SENATE BILL NO. 28.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 28, A bill to be entitled "An Act to amend Chapter 41, Acts of the Twenty-ninth Legislature, as amended by the Thirtieth Legislature, being an act to create a more efficient road system for Dallas county, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Taylor.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Westbrook.
Greer.	Wiley.
Harley.	Willacy.
Hudspeth.	

Absent.

Johnson.

Oliver.

Absent—Excused.

Real

The bill was read third time and passed by the following vote:

Yeas—27.

Astin.	Lattimore.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Taylor.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Westbrook.
Greer.	Wiley.
Harley.	Willacy.
Hudspeth.	

Absent.

Johnson.

Oliver.

Absent—Excused.

Real.

Senator McNealus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 33.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower San Patricio county or any political subdivision or any defined district now or hereafter to be described and defined, of said county by a vote of a two-thirds

majority of the resident property taxpayers, qualified voters of such county or political subdivision, or any defined district now or hereafter to be described and defined, thereof, voting thereon to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision or any defined district now or hereafter to be described and defined, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining, and operating macadamized, gravelled or paved roads, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## EXECUTIVE MESSAGE.

Governor's Office,

Austin, Texas, August 15, 1913.

To the Texas Legislature:

In harmony with the proclamation of the Governor convening the First Called Session of the Thirty-third Legislature, and as provided by Section 40, of Article 4, of the Constitution, I present the following subject for legislation:

The passage of a bill to be entitled "An Act conferring additional authority upon the Prison Commission of the State and the Governor of the State relative to the issuance of bonds under the provisions of Chapter 57, Acts of the Regular Session of the Thirty-third Legislature, known as Penitentiary Improvement Bonds, and authorizing said Commission, with the approval of the Governor, to issue said bonds, in their discretion, as serial bonds, making the same payable at any time as may be determined, provided the time of payment shall not exceed that specified in the act authorizing the issuance of the bonds; conferring upon the Commission authority to execute the bonds with or without the ten year option of payment; and conferring upon the Commission, with the approval of the Governor, authority to execute said bonds so that any holder or purchaser thereof may have the option of making said bonds registered bonds instead of coupon bonds, and authorizing their transfer only on the books of the State Treasurer; authorizing and requiring the Governor to endorse on the bonds that the faith and credit of the State is pledged to the payment of the bonds and interest thereon, and that the State guarantees the payment of the same; providing that the law shall not be construed to repeal any law heretofore passed by the Legislature, but that this law shall be cumulative thereof, and declaring an emergency."

In a former list of subjects presented for your consideration was included the proposition that the Legislature authorize the State to endorse upon the Penitentiary Improvement Bonds already



provided for by an act of the Regular Session of the present Legislature, that the State guarantees the payment of the principal and interest of same. We have several enquiries for these bonds which are authorized to be issued in coupon form. Bidders are making offers on the basis of a ten year bond, and express preference either for registered or serial bonds.

After fully advising with the Attorney General and further considering the matter, I deem it expedient to submit this question in the form as above presented so that the Legislature can authorize the issuance and sale of the bonds provided for by the act of the Regular Session either in coupon, serial or registered form.

I am glad to be able to report to the Legislature that the bonds, since the ruling of the Attorney General, seem to be in demand by the bond purchasing public. I wish to say further, as an answer to inquiries of members of the Legislature, that it is not the desire of the Governor of this State to sell these bonds to the school fund; that with the changes in the law as provided in the foregoing subject as presented, it is believed these bonds can be promptly and advantageously disposed of without presenting them for purchase by the State Board of Education at all. As a matter of fact, it would take the school fund a year and a half to absorb these bonds. When I became Governor the policy was adopted by the State Board of Education of purchasing school house bonds, giving preference to them over others, in order that small issues of school house bonds might have a ready market and sale, and be of material assistance, in this way, in the prompt construction of commodious and substantial school houses throughout the State.

With the assurance that it is not the purpose nor desire to sell these bonds to the State school fund, I solicit the prompt co-operation of the Legislature in the passage of an act in line with the subject herein presented.

Respectfully submitted,  
O. B. COLQUITT.  
Governor of Texas.

#### CONSIDERATION OF LOCAL BILLS.

Senator McGregor moved that the Senate proceed to the consideration of local bills until all local bills on the calendar had been passed. which motion was adopted.

#### SENATE BILL NO. 34.

The Chair laid before the Senate, on second reading,

Senate bill No. 34, A bill to be entitled "An Act to create and establish the county of Lott, in honor of Uriah Lott, taken from the existing territory of Duval county, prescribing its area and boundaries, providing that all laws and parts of laws in conflict herewith shall have no application, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Astin.	Morrow.
Brelsford.	Nugent.
Carter.	Taylor.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent.

Bailey of DeWitt.	Gibson.
Bailey of Harris.	Johnson.
Clark.	Lattimore.
Darwin.	Oliver.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—22.

Astin.	Morrow.
Bailey of De Witt.	Nugent.
Brelsford.	Oliver.
Carter.	Taylor.
Collins.	Terrell.
Cowell.	Townsend.
Greer.	Warren.
Harley.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent.

Bailey of Harris.	Gibson.
Clark.	Hudspeth.
Conner.	Johnson.
Darwin.	

## Absent—Excused.

Real.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 35.

The Chair laid before the Senate, on second reading,

Senate bill No. 35, A bill to be entitled "An Act appropriating the sum of five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Willacy.
Lattimore.	

Absent.

Bailey of Harris.	Johnson.
Hudspeth.	Wiley.

Absent—Excused.

Real.

The bill was read third time, and passed by the following vote:

Yeas—24.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Lattimore.	Willacy.

## Absent.

Clark.	Johnson.
Gibson.	Wiley.
Hudspeth.	

Absent—Excused.

Real.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 22.

The Chair laid before the Senate, on second reading,

Senate bill No. 22, A bill to be entitled "An Act to create a more efficient road system for Hall county, Texas, and making the commissioners court of said county ex-officio road commissioners in their respective precincts, making this act cumulative, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Nugent, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Clark.	Taylor.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Westbrook.
Greer.	Wiley.
Harley.	Willacy.
Lattimore.	

Absent.

Hudspeth.	Johnson.
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Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—27.

Astin.	Brelsford.
Bailey of De Witt.	Carter.
Bailey of Harris.	Clark.

Collins.	Nugent.
Conner.	Oliver.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Harley.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.
Morrow.	

Absent.

Hudspeth. Johnson.

• Absent—Excused.

Real.

Senator Nugent moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 29.

The Chair laid before the Senate, on second reading,

Senate bill No. 29, A bill to be entitled "An Act to prohibit the creation of deficiencies or debts in the name of the State by regents, directors, officers or members of governing boards of any of the educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or the creating of any debt inconsistent with existing laws, making invalid all such contracts and debts, prohibiting the diverting of funds, providing for penalties for violations of this act, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

Senator Nugent offered the following amendment, which was read and adopted:

Amend the bill, page 345 of the Journal, by inserting after the word "improvement," in Section 1, the words, "or purchase of."

The bill was read second time and passed to engrossment.

On motion of Senator Nugent, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Astin.	Cowell.
Bailey of De Witt.	Darwin.
Bailey of Harris.	Gibson.
Brelsford.	Greer.
Carter.	Harley.
Conner.	Lattimore.

McGregor.	Terrell.
Morrow.	Townsend.
Nugent.	Warren.
Oliver.	Westbrook.
Taylor.	Willacy.

Absent.

Clark.	McNealus.
Collins.	Watson.
Hudspeth.	Wiley.
Johnson.	

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—22.

Astin.	Lattimore.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Harley.	Willacy.

Absent.

Clark.	McNealus.
Collins.	Watson.
Hudspeth.	Wiley.
Johnson.	

Absent—Excused.

Real.

Senator Nugent moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 45.

The Chair laid before the Senate, on second reading,

Senate bill No. 45, A bill to be entitled "An Act creating the Files Valley Orphans' Home Independent School District; providing for the appointment of trustees of said district; defining the boundaries, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Morrow, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Astin.	Lattimore.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Clark.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Willacy.

## Absent.

Collins.	McNealus.
Hudspeth.	Wiley.
Johnson.	

## Absent—Excused.

Real

The bill was read third time and passed by the following vote:

## Yeas—23.

Astin.	Lattimore.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Clark.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Westbrook.
Greer.	Willacy.
Harley.	

## Absent.

Collins.	McNealus.
Hudspeth.	Watson.
Johnson.	Wiley.

## Absent—Excused.

Real.

Senator Morrow moved to reconsider the vote by which the will was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 60.

The Chair laid before the Senate, on second reading,

House bill No. 60, A bill to be entitled "An Act to amend Sections 26 and 53 of Article 30 of Title 5 of the Revised Statutes of Texas, 1911, and to change and prescribe the time for holding the district court in the Twenty-sixth Judicial District of the State of Texas, and the Fifty-third Judicial District of the

State of Texas, and to define the jurisdiction of said courts, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third District Courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial District Courts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit and grand juries of such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

On motion of Senator McGregor, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator McGregor, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Astin.	Hudspeth.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Westbrook.
Greer.	Willacy.
Harley.	

## Absent.

Johnson.	Watson.
McNealus.	Wiley.

## Absent—Excused.

Real

The bill was read third time and passed by the following vote:

## Yeas—28.

Astin.	Conner.
Bailey of DeWitt.	Cowell.
Bailey of Harris.	Darwin.
Brelsford.	Gibson.
Carter.	Greer.
Clark.	Harley.
Collins.	Hudspeth.

Lattimore.	Terrell.
McGregor.	Townsend.
McNealus.	Warren.
Morrow.	Watson.
Nugent.	Westbrook.
Oliver.	Wiley.
Taylor.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

Senator McGregor moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 48.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and Senate bill No. 48 put on its second reading by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The Chair laid before the Senate, on second reading,

Senate bill No. 48, local road law for Mason county.

On motion of Senator Hudspeth, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third

reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 33.

The Chair laid before the Senate, on second reading,

House bill No. 33, A bill to be entitled "An Act to reorganize the Thirty-fourth Judicial District of Texas, to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas, providing for the returning of the process issued and to be issued by said



courts, validating process heretofore issued by said court, and declaring an emergency."

On motion of Senator Hudspeth, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

Senator Hudspeth moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

### HOUSE BILL NO. 43.

The Chair laid before the Senate, on second reading,

House bill No. 43, A bill to be entitled "An Act to fix the time for holding the terms of the district court in the Forty-seventh Judicial District, and to repeal all laws in conflict herewith, and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Cowell.
Bailey of De Witt.	Darwin.
Bailey of Harris.	Gibson.
Brelsford.	Greer.
Carter.	Harley.
Clark.	Hudspeth.
Collins.	Lattimore.
Conner.	McGregor.

McNealus.	Townsend.
Morrow.	Warren.
Nugent.	Watson.
Oliver.	Westbrook.
Taylor.	Wiley.
Terrell.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

Senator Collins moved to reconsider the vote by which the bill was passed and lay that motion to the table.

The motion to table prevailed.

#### HOUSE BILL NO. 47.

The Chair laid before the Senate, on second reading,

House bill No. 47, A bill to be entitled "An Act to incorporate the Fruitvale Independent School District, in Van Zandt county, for free school purposes, and declaring an emergency."

On motion of Senator Greer, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

23—S

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 50.

The Chair laid before the Senate, on second reading,

House bill No. 50, A bill to be entitled "An Act to create a special district court for the Fifth Judicial District of Texas, and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

Senators Darwin and Oliver offered the following amendments, separately, which were read and adopted:

1. Amend the caption by adding after the word "office" and before the words "and declaring an emergency," the following: "and making appropriation for payment of salary of the special judge."

2. Amend the bill, Section 9, paragraph 2, line 2, by striking out the word "second" and inserting in lieu thereof the word "first."

3. Amend the bill, Section 9, by striking out the words "twelve weeks" at the end of paragraph and inserting in lieu thereof the following: "until the first Monday in May."

4. Amend the bill, Section 9, paragraph 3, line 1, by striking out the word "second" before the word Monday, and inserting in lieu thereof the word "first."

5. Amend the bill, Section 9, by striking out the words "one week" at the end of paragraph 13, and insert in lieu thereof the words "two weeks."

6. Amend the bill by adding at the end of Section 10, the following: "and the sum of \$4400, or so much thereof as may be necessary, is hereby appropriated to pay the salary of the special judge herein provided for."

The bill was read second time and passed to a third reading.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—25.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Oliver.
Carter.	Taylor.
Clark.	Terrell.
Collins.	Townsend.
Conner.	Warren.
Cowell.	Watson.
Darwin.	Westbrook.
Greer.	Wiley.
Harley.	Willacy.
Lattimore.	

Absent.

Gibson.	Johnson.
Hudspeth.	Nugent.

Absent—Excused.

Real.

Senator Darwin moved to reconsider

the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 52.

The Chair laid before the Senate on second reading,

House bill No. 52, A bill to be entitled "An Act to amend the special road law for Smith county, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature, and creating an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Cowell.
Bailey of De Witt.	Darwin.
Bailey of Harris.	Gibson.
Brelsford.	Greer.
Carter.	Harley.
Clark.	Hudspeth.
Collins.	Lattimore.
Conner.	McGregor.

McNealus.	Townsend.
Morrow.	Warren.
Nugent.	Watson.
Oliver.	Westbrook.
Taylor.	Wiley.
Terrell.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 55.

The Chair laid before the Senate, on second reading,

House bill No. 55, A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas; to fix the times for holding the terms of district court therein; to make all process heretofore issued as well as bonds and recognizances heretofore entered into conform thereto, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 58.

The Chair laid before the Senate, on second reading,

House bill No. 58, A bill to be entitled "An Act to amend Chapter 38 of the Special Laws of the Thirty-second Legislature, as amended by the Thirty-third Legislature, entitled 'An Act to create a more efficient road system for Wood county, etc.,' by making it unlawful to injure or damage any public road in said county; prescribing penalties, and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote :

## Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Johnson.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

## Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Johnson.

Absent—Excused.

Real.

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 59.

The Chair laid before the Senate, on second reading,

House bill No. 59. A bill to be entitled "An Act to incorporate the Thorndale School District in Milam and Williamson counties, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, and issuing bonds for the erection of school buildings within said district, and declaring an emergency."

The Senate rule requiring committee

reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Johnson.

Absent—Excused.

Real.

The bill was read a third time and passed by the following vote:

## Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Johnson.

Absent—Excused.

Real.

Senator Terrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.



## HOUSE BILL NO. 62.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 62 be put on its second reading, by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The Chair laid before the Senate, on second reading,

House bill No. 62, prescribing the time for holding court in the Forty-ninth Judicial District, and declaring an emergency.

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The bill was read a third time and passed by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 81.

On motion of Senator Collins the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 81 be put on its second reading by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The Chair laid before the Senate, on second reading.

## Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Johnson.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

## Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Johnson.

Absent—Excused.

Real.

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 59.

The Chair laid before the Senate, on second reading,

House bill No. 59. A bill to be entitled "An Act to incorporate the Thorndale School District in Milam and Williamson counties, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, and issuing bonds for the erection of school buildings within said district, and declaring an emergency."

The Senate rule requiring committee

reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Johnson.

Absent—Excused.

Real.

The bill was read a third time and passed by the following vote:

## Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Johnson.

Absent—Excused.

Real.

Senator Terrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 62.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 62 be put on its second reading, by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The Chair laid before the Senate, on second reading,

House bill No. 62, prescribing the time for holding court in the Forty-ninth Judicial District, and declaring an emergency.

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The bill was read a third time and passed by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 81.

On motion of Senator Collins the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 81 be put on its second reading by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The Chair laid before the Senate, on second reading.

House bill No. 81, local road law for Liberty county, and declaring an emergency.

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

Senator Collins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 72.

On motion of Senator Bailey of Harris, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 72 put on its second reading by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The Chair laid before the Senate, on second reading,

House bill No. 72, relating to seawalls and breakwaters.

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bailey of Harris, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Johnson. Absent.

Real. Absent—Excused.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Johnson. Absent.

Real. Absent—Excused.

Senator Bailey of Harris moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

#### HOUSE BILL NO. 56.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 56 put on its second reading by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Johnson. Absent.

Real. Absent—Excused.

The Chair laid before the Senate, on second reading,

House bill No. 56, creating the Port Aransas Independent School District, and declaring an emergency.

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Johnson. Absent.

Real. Absent—Excused.

The bill was read third time, and passed by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Johnson. Absent.

Real. Absent—Excused.



Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

### HOUSE BILL NO. 75.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 75 put on its second reading, by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The Chair laid before the Senate, on second reading,

House bill No. 75, creating the Capital Independent School District, and declaring an emergency.

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Cowell.
Bailey of De Witt.	Darwin.
Bailey of Harris.	Gibson.
Brelsford.	Greer.
Carter.	Harley.
Clark.	Hudspeth.
Collins.	Lattimore.
Conner.	McGregor.

McNealus.  
Morrow.  
Nugent.  
Oliver.  
Taylor.  
Terrell.

Townsend.  
Warren.  
Watson.  
Westbrook.  
Wiley.  
Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

### SENATE CONCURRENT RESOLUTION NO. 5.

The Chair laid before the Senate, on second reading,

Senate Concurrent Resolution No. 5, Providing for the raising of funds for the Panama-Pacific exposition.

The committee report was adopted.

The resolution was read second time and passed to engrossment.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the resolution put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Carter.
Bailey of De Witt.	Clark.
Bailey of Harris.	Collins.
Brelsford.	Conner.

Cowell.	Nugent.
Darwin.	Oliver.
Gibson.	Taylor.
Greer.	Terrell.
Harley.	Townsend.
Hudspeth.	Warren.
Lattimore.	Watson.
McGregor.	Westbrook.
McNealus.	Wiley.
Morrow.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The resolution was read third time and passed by the following vote:

Yeas—25.

Astin.	Hudspeth
Bailey of De Witt.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Watson.
Gibson.	Westbrook.
Greer.	Wiley.
Harley.	

Absent.

Johnson.	Warren.
McNealus.	Willacy.

Absent—Excused.

Real.

Senator Willacy moved to reconsider the vote by which the resolution was passed, and lay that motion on the table. The motion to table prevailed.

### HOUSE BILL NO. 39.

(By Unanimous Consent.)

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 39 put on its second reading by the following vote:

Yeas—25.

Brelsford.	Gibson.
Carter.	Greer.
Clark.	Harley.
Collins.	Hudspeth.
Conner.	Lattimore.
Cowell.	McGregor.
Darwin.	McNealus.

Morrow.	Warren.
Nugent.	Watson.
Oliver.	Westbrook.
Taylor.	Wiley.
Terrell.	Willacy.
Townsend.	

Absent.

Astin.	Bailey of Harris.
Bailey of De Witt.	Johnson.

Absent—Excused.

Real.

The Chair laid before the Senate, on second reading,

House bill No. 39, To prohibit the use of any imitation of the flag of the State of Texas for advertising purposes.

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

Senator Lattimore offered the following amendments, separately, which were read and adopted:

1. Amend caption of House bill No. 39, by inserting after the word "thereof" in the next to the last line of said caption, the following: "repealing all laws in conflict herewith, fixing date when this bill shall go into effect."

2. Amend House bill No. 39, page 1, by adding two new sections to be known as Sections 2a and 2b.

"Sec. 2a. That because of the fact that there are large quantities of goods now in the hands of merchants and dealers bearing stamps and labels in violation of this act, therefore, this act shall go into effect and become operative on and after July 1, 1914.

"Sec. 2b. That House bill No. 27, passed at the Regular Session of the Thirty-third Legislature and all laws and parts of laws in conflict herewith be, and the same are hereby repealed."

And by striking out of Section 3 the words "and this act shall take effect and be in force from and after July 1, 1914."

Senator Westbrook offered the following amendment, which was read and adopted:

Amend the bill by adding after Section 1, Section 1a, as follows:

"Sec. 1a. Provided, that none of the provisions of this act shall apply to any fraternal organization using our flag for an emblem."

The bill was read second time and passed to a third reading.

On motion of Senator Lattimore, the constitutional rule requiring bills to be

read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Collins.	Oliver.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Lattimore.	

Absent.

Astin.	Johnson.
Clark.	Terrell.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—23.

Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Conner.	Townsend.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Westbrook.
Greer.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Astin.	Hudspeth.
Clark.	Johnson.
Harley.	Terrell.

Absent—Excused.

Real.

Senator Lattimore moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 13—ADOPTION OF FREE CONFERENCE COM- MITTEE REPORT.

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: We, your Free Conference Com-

mittee, beg leave to report that we have had under consideration House bill No. 13, with the amendments thereto, and that in order to reconcile the differences between the Senate and the House, beg leave to report the following bill:

A bill to be entitled "An Act to amend Section 4, Chapter 150, of the laws enacted by the Thirty-third Legislature, Regular Session, entitled 'An Act to require applications under oath to be made for witnesses in felony cases; to provide adequate penalties against district clerks or their deputies for unlawfully issuing subpoenas in felony cases; to define the duties of the district judge with reference to sheriffs' accounts, and to provide for fees of witnesses residing in the county of the prosecution in felony cases, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,' and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 4 of Chapter 150 of the Acts of the Thirty-third Legislature, Regular Session, be amended so as to hereafter read as follows:

Section 4. All witnesses residing in the county of the prosecution, when summoned under the provisions of this act to appear and give evidence in any felony case, shall be entitled to one dollar per day for each day they may have been necessarily absent from their homes or business in attendance upon court, said fees to be paid by the State, and the Comptroller of Public Accounts is hereby authorized to draw a warrant against the State Treasury for same when the accounts are properly presented to him, approved by the presiding district judge, and when after inspection by him he finds said accounts to be correct; provided, that no witness fees shall be paid to peace officers, nor to any witness in habeas corpus cases, or summoned on a motion for change of venue; and provided further, that no fees shall be approved by the court in any case where the charge includes a misdemeanor case until the case is finally disposed of, and in case of a conviction for misdemeanor no fees shall be paid by the State; and provided further that witnesses attending court in more than one case at the same time shall receive fees in only one case; and provided further, that in no event shall the State pay per diem in any one case of more than five dollars to any witness in any one case at any one term of the court; and provided further, that the fee to be collected by the district

clerk for swearing each witness to his account for his attendance in a case shall be ten cents.

Sec. 2. The near approach of the close of the session of the Legislature and the importance of this subject matter creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

BRELSFORD,  
CARTER,  
MORROW,  
WARREN.  
GIBSON,

On the part of the Senate.

PENRY,  
BURMEISTER,  
TILLOTSON.  
BRUCE,

On the part of the House.

The above report was adopted by the following vote:

Yeas—22.

Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Watson.
Hudspeth.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.

Absent.

Astin.	Harley.
Clark.	Johnson.
Conner.	Terrell.
Gibson.	

Absent—Excused.

Real.

Senator Brelsford moved to reconsider the vote by which the report was adopted and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 21.

The Chair laid before the Senate, on second reading,

Senate bill No. 21, A bill to be entitled "An Act adding to and making a part of the Memphis Independent School District of Hall county, Texas, certain lands and territory adjoining thereto

situate in Hall county, and adding thereto and making a part thereof certain lands and territory adjoining thereto situate in the county of Collingsworth, all for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territory and the inhabitants thereof; requiring such board of trustees to levy, assess, collect and pay into the treasury annually a proportional part of a certain tax fund existing on part of said territory, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Nugent.
Carter.	Oliver.
Clark.	Taylor.
Collins.	Townsend.
Conner.	Warren.
Cowell.	Watson.
Darwin.	Westbrook.
Gibson.	Wiley.
Greer.	Willacy.
Hudspeth.	

Absent.

Harley.	Morrow.
Johnson.	Terrell.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Johnson. Absent.  
 Real. Absent—Excused.

Senator Westbrook moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

#### EXECUTIVE MESSAGE.

Governor's Office,  
 Austin, Texas, August 15, 1913.

To the Senate:

I ask the advice and consent of the Senate to the following appointments:

To be members of the Board of Managers of the State Orphan Home at Corsicana—John S. Callicut of Navarro county, in place of John H. Rice, resigned; and Walter Montgomery of Navarro county.

To be members of the Industrial Accident Board, as provided for by Chapter 179, General Laws of the Regular Session of the Thirty-third Legislature—Hon. Jos. D. Sayers of Travis county, to be chairman and attorney of said board; Hon. W. J. Moran of Tarrant county, as the labor representative.

Respectfully submitted,  
 O. B. COLQUITT,  
 Governor of Texas.

#### EXECUTIVE MESSAGE.

Governor's Office,  
 Austin, Texas, August 15, 1913.

To the Texas Legislature:

In harmony with the proclamation of the Governor convening the First Called Session of the Thirty-third Legislature, and as provided by Section 40, of Article 4, of the Constitution, I present the following additional subjects for legislation:

1. The passage of an act to amend Article 632, Title 18, Chapter 2, of the Revised Civil Statutes of Texas, 1911, relating to the issuance of road bonds; and the passage of an act to amend Article 611, Title 18, Chapter 1, of the Revised Civil Statutes of Texas, 1911, relating to the maturity of county bonds.

2. The passage of an act providing for a special district court for El Paso county, and the appointment of a special district judge thereof, the term of said court and judge to expire January 1, 1915. I have been assured that this relief is necessary and that the docket

of the district court of El Paso county is more than a year behind.

3. The passage of an act for the relief of persons who have on file in the General Land Office valid applications to purchase school and other public lands, and where awards to them have been duly made on such applications, and such persons failed to settle on their lands within the ninety days required by law, but have in fact settled thereon in good faith to make the same their home, and in all cases where the applicant has become an actual bona fide settler on the land but failed to file his affidavit of settlement within the time required by law, but did file the affidavit, and such purchaser or his legal assignee has continued to reside thereon; then in that event such settlement and attempted purchases may be validated.

Respectfully submitted,  
 O. B. COLQUITT,  
 Governor of Texas.

#### BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Cowell:

Senate bill No. 51, A bill to be entitled "An Act to amend Article 611, Title 18, Chapter 1, of the Revised Civil Statutes of the State of Texas, relating to the maturities of county bonds, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Cowell:

Senate bill No. 52, A bill to be entitled "An Act to amend Article 632, Title 18, Chapter 2, of the Revised Civil Statutes of the State of Texas, relating to the issuance of road bonds, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Hudspeth:

Senate bill No. 53, A bill to be entitled "An Act to create a special district court for El Paso county, Texas, to be known as the Special District Court of El Paso county; to prescribe its jurisdiction; to limit its existence; to fix its terms; to conform all writs and process of said court to the district court of said county and to such changes as are made in the jurisdiction of said court by this act; to empower the judge of a said special district court and the judges of the Thirty-fourth Judicial District court and



the Forty-first Judicial District court of Texas to transfer cases from their respective courts to this court; to provide for appointment of a judge for said special district court; to fix his salary and term of office, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senators Hudspeth and Willacy:

Senate bill No. 54, A bill to be entitled "An Act to validate certain settlement on and purchase of public free school land, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

### SENATE BILL NO. 46.

Senator Watson moved that the regular order of business (Senate bill No. 10) be suspended and that the Senate take up, out of its order, Senate bill No. 46, which motion prevailed.

The Chair laid before the Senate, on second reading,

Senate bill No. 46, A bill to be entitled "An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and declaring an emergency."

Senator Wiley moved that the bill be considered article by article, which motion prevailed.

Article 7435 was read, and

Senator McNealus offered the following amendment:

Amend the bill by changing the hour of closing liquor saloons from "9:30 p. m." wherever it may occur in the bill, to "7 p. m."

Senator Watson made the point of order that the amendment was not germane on account of it not being in accordance with the Governor's message.

The Chair overruled the point of order.

Senator Watson moved to table the amendment, which motion was adopted by the following vote:

Yeas—21.

Astin.	McGregor.
Bailey of De Witt.	Morrow.
Bailey of Harris.	Nugent.
Brelsford.	Oliver.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Warren.
Gibson.	Watson.
Harley.	Wiley.
Hudspeth.	Willacy.
Lattimore.	

Nays—6.

Carter.	McNealus.
Collins.	Townsend.
Greer.	Westbrook.

Absent.

Clark.	Johnson.
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Absent—Excused.

Real.

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill, page 2, line 1, by adding after the word "o'clock" the following: "at night."

Senator Watson offered the following amendment:

Amend the bill, page 3, line 3, by adding after the word "week" the following: "or after 9:30 o'clock p. m., and before 6 o'clock a. m. of the following morning of any week day."

Pending.

Senator Brelsford moved that Senate bill No. 46 be printed in the Journal, which motion was adopted.

Following is the bill in full:

S. B. No. 46.

By Watson.

### A BILL

#### To Be Entitled

An Act to amend Articles 7435, 7442, 7451 and 7452, of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violat-

ing any penal law of this State relating to retail liquor dealers, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 7435, 7442, 7451 and 7452, of the Revised Civil Statutes of Texas of 1911 be so amended as to hereafter read as follows:

Article 7435. Application for License.—Any person or persons desiring to obtain a retail liquor dealer's license in this State or a retail malt dealer's license, shall, before filing his or their petition for such license with the county judge as now provided by this law, make application under oath to the Comptroller of Public Accounts of this State for a permit to apply for a license to engage in such business, which application shall be in form substantially as follows:

To the Comptroller of Public Accounts of the State of Texas:

I, or we, .....and..... of the county of....., State of Texas, hereby apply for a permit to apply for a license to engage in the business of retail liquor dealer or dealers (or retail malt dealer or dealers) under the laws of this State, said business to be conducted at No....., street, in ..... in the county of....., State of Texas; that there is now no statute or ordinance of the city in force prohibiting the retail sale of liquors at said place; that I, or we, have resided for the past two years in..... county, State of Texas, and during said time have been engaged in the business of.....; that I am, or we are, not disqualified under the laws of this State from engaging in the proposed business; that no other person or corporation is in any manner interested in or to be interested in the proposed business; that I, or we, have not, since the first day of May, A. D. 1909, and the first day of July, A. D. 1913, or any time between said dates, as owner, or as the representative, agent or employe of any other person, kept open any saloon or place of business where spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquor after 12 o'clock midnight on Saturday, and between that hour and 5 o'clock a. m. of the following Monday of any week; and that since the first day of July, A. D. 1913, have not, as owner or as the representative, agent or employe of any other person,

kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquors after nine thirty (9:30) o'clock on Saturday and between that hour and 6 o'clock a. m. of the following Monday of any week; or since said date, either in person or by agent or employe, knowingly sold or permitted to be sold or given away in or near any such place of business, any spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, to any person under the age of twenty-one years, or to any student of any institution of learning, or to any habitual drunkard, after having been notified in writing through the sheriff, or other peace officer, by the wife, sister, father, mother or daughter, of such person not to sell to such habitual drunkard; or permitted any person not over the age of twenty-one years to enter and remain in such house or place of business, or permitted any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rented or let any part of the house or place of business in which such business was conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sold or given away any adulterated or impure liquors of any kind, or sold or permitted, aided or advised in selling under a retail malt dealers' license, any other liquors than those defined by the laws as malt liquors. And if the permission herein sought be granted and the said retail license be issued, I, or we, will not either in person, or knowingly by any agent, employe or representative, during the year for which such license shall run, keep open the house or place where liquors shall be sold under such license for the sale thereof, or transact such business in such house or place of business after 9:30 o'clock p. m. on Saturday and between that hour and six (6) o'clock a. m. on the following Monday of any week; or knowingly sell in or near any such place of business, or give away, or permit to be given away, any spirituous, vinous or malt liquors, or medicated batters capable of producing intoxication, to any person under the age of twenty-one years, or to any student of any institution of learning, or to any habitual drunkard, after having been notified in writing through the sheriff, or other peace officer, by the

wife, mother, father, daughter or sister not to sell to such habitual drunkard; or to permit any person not over the age of twenty-one years to enter and remain in such house or place of business; or permit any game prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rent or let any part of the house or place of business in which such business is conducted to any person or persons, for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly give away any impure liquor or adulterated liquors of any kind; and, if the application be for a retail malt dealer's license, it shall further state that he or they under the said license will not sell any other liquors than those defined by law as "malt liquors." And it is hereby agreed that if the license to be applied for be issued that the same will be issued upon condition that it shall remain in force only so long as I, or we, observe and carry out each and all of the declarations herein made, and that in the event I, or we, violate any of the promises or do or perform any one or more of the acts which it is herein declared shall not be done or performed, that either the county judge or the Comptroller of Public Accounts of the State of Texas, in the manner provided in this law, may rescind, cancel and annul the said State and county license granted in pursuance of this application, and that all money paid for such license shall be forfeited to the State and county or city to whom paid; and that I, or we, will at once, upon the cancellation of such license, close up the place where such business is being conducted and cease to do such business, and will not within five years from that date again, either as owner, agent, representative or employe of any other person, attempt to enter into, or engage in the retail liquor business; unless the order of the Comptroller canceling and rescinding such license shall be annulled in case such licenses shall have been canceled by the Comptroller.

Sworn to and subscribed before me, a  
.....within and for the county  
of ....., State of Texas, by  
.....on this, the .....day of  
.....191...

(L. S.) (Signature of Officer.)

That, upon receiving such application, it shall be the duty of the Comptroller to file the same and keep it as a per-

manent record in his office, to examine and act upon the same; and, if he is satisfied that such applicant is entitled to such permit, he shall upon the payment to him by the applicant, of two dollars issue to him such permit, under his hand and the seal of his office, which, together with a copy of such application, duly certified to under the hand and seal of the Comptroller, shall be delivered by him to the applicant; and the said permit, together with the certified copy of said application, shall be filed with the county judge, together with the petition for license to be filed with the county judge, and shall remain a permanent record in the office of the county judge; and no petition for license shall be entertained by the county judge until said certified copy and permit have been filed with him by the applicant.

Art. 7442. Upon receipt of the said depositions, the Comptroller shall open and proceed to consider the same, and, if he shall determine from the preponderance of the credible evidence therein contained that at any time after the issuance of said license the house or place where the business of selling liquors under said license was conducted, was kept open and business conducted therein after half past nine o'clock (9:30 p. m.) on Saturday and between that hour and six o'clock a. m. on the following Monday of any week, or that any intoxicating liquors, or medicated bitters capable of producing intoxication, were knowingly sold, permitted to be sold or given by the holder or holders of such license to any person under the age of twenty-one years, or to any student of any institution of learning, or to any habitual drunkard after having been notified in writing through the sheriff, or other peace officer, by the wife, mother, father, daughter or sister of such habitual drunkard to sell same to him, or that any person not over the age of twenty-one years had been permitted to enter and remain in such house or place of business, or that games prohibited by laws of this State had been permitted to be played, dealt or exhibited in or about such house or place of business, or that the person or persons holding such license had rented or let any part of the said house or place of business where such business is conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State, or that the person or persons holding such license had knowingly sold or given away any adulterated or impure liquors of any kind, or sold or knowingly permitted to

be sold, or aided or advised in selling, under a retail malt dealer's license, any other liquors than those defined by law as malt liquors, he shall rescind, vacate and withdraw such license, and shall issue a certificate in triplicate under his hand and the seal of said office, declaring the rescission of such license, therefore issued, to such person or persons, one copy of which certificate shall remain on file in his office, and one copy shall be forwarded by the Comptroller by mail to the county judge of the county where the place of business of the person or persons whose license is withdrawn and rescinded is located, and the other copy shall be forwarded by mail to the person or persons whose license has been so rescinded and withdrawn; and it shall be unlawful thereafter for such person or persons to continue such business, and any attempt to do so shall subject him or them to the penalty herein provided for pursuing such business without a license; and any person or persons whose license has been so rescinded and withdrawn shall forfeit to the State, county and city all money paid therefor, and they shall never have any claim against the State, county or city on account of any money paid for such license.

Art. 7451. Regulating Hours of Closing, Etc.—Every person or firm having a license under the provisions of this law, who may be engaged in or who may hereafter engage in the sale of intoxicating liquors to be drunk on the premises in any locality of this State, other than where local option is in force, shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after half past nine o'clock (9:30 p. m.) at night until six o'clock a. m. of each week day, and shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after half past nine (9:30 p. m.) at night Saturday until six a. m. of the following Monday of each week.

Art. 7452.—Every person or firm desiring to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, to be drunk on the premises, shall, before engaging in such sale be required to enter into a bond in the sum of five thousand dollars; provided, however, that any person or firm dealing exclusively in malt liquors shall be required to give bond only in the sum of one thousand dollars, with at least two good, lawful and sufficient sureties,

and the sureties required by law on the bonds of liquor dealers shall make affidavit, before some officer authorized to administer oaths, that they, in their own right, and above all exemptions, are each worth the full amount of the bond they sign as sureties; and no county judge shall approve any such bond unless the affidavit as provided for in this article shall have been duly made. The approval of any such bond by the county judge without such affidavit shall make said county judge liable for any penalty recovered on such liquor dealer's bond; and any person who shall make any false affidavit, as required by this law, shall be punished as provided for in the Penal Code of this State; provided, that nothing herein shall prevent the making of such bond by a surety company as permitted by law, payable to the State of Texas, to be approved as to surety by the county judge; which bond shall be conditioned that said person or firm so selling spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication in any quantity, to be drunk on the premises, shall not, either in person or knowingly by any agent, employe or representative, during the year for which such license shall run, keep open the house, or place where liquors shall be sold under such license for the sale thereof, or transact such business in such house or place of business, after half past nine o'clock (9:30 p. m.) at night on Saturday and between that hour and six o'clock a. m. on the following Monday morning of any week; and that such person or firm shall keep an open, quiet and orderly house or place for the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, and that such person or firm, or his or their agent or employe, will not sell or permit to be sold in his or their house or place, of business, nor give nor permit to be given, any spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, to any person under the age of twenty-one years, or to a student of any institution of learning, or any habitual drunkard, after having been notified in writing, through the sheriff or other peace officer, by the father, mother, daughter or sister of such habitual drunkard, said notice shall be in force and effect for a period of two years not to sell to any such person, and that he or they will not permit any persons under the age of twenty-one years to enter



and remain in such house or place of business; that he or they will not permit any games prohibited by the law of this State to be played, dealt or exhibited in or about such house or place of business, and that he or they will not rent or let any part of the house or place in which he or they have undertaken to sell spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication in any quantity, to be drunk on the premises, to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State, and that he or they will not adulterate the liquors sold by them in any manner, mixing the same with any drug, and that he or they will not knowingly sell or give away any impure or adulterated liquors of any kind; which said bond shall be filed in the office of the county clerk where such business is conducted, and shall be recorded by such clerk in a book to be kept for such purpose; for which service said clerk shall be entitled to a fee of seventy-five cents; which said bond may be sued on at the instance of any person or persons aggrieved by the violations of its provisions, and such person shall be entitled to recover the sum of five hundred dollars as liquidated damages for each infraction of the conditions of such bond; and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries brought on said bond, as above indicated, if any person or firm shall violate any of the conditions of herein required, it shall be the duty of the county and district attorney or either of them, to institute suit thereupon; or any person owning real property in the county may institute suit thereupon in the name of the State of Texas, for the use and benefit of the county, but no compensation shall be allowed such citizen, and he may be required to give security for costs; and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties upon the liquor dealer's bond, upon the breach of any of the conditions thereof; and hereafter, when any recovery is had by any person or by any county or district attorney, for the use and benefit of the county in any action in any court of competent jurisdiction, upon the bond of any person or firm engaged in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, or

malt liquors exclusively, to be drunk on the premises, in any locality other than where local option is in force, upon the ground that such licensee sold, or permitted to be sold, or gave or permitted to be given any such liquors to a minor in his place of business, or permitted a minor to enter or remain in his place of business, or sold such liquor to any habitual drunkard after having been notified in writing not to sell to such habitual drunkard, or that such licensee permitted prostitutes or lewd women to enter and remain in his place of business, or permitted any games prohibited by the law to be played, dealt or exhibited in or about his place of business, or of renting or letting his place of business, or any part thereof, for such purpose or purposes, the license of such person or firm shall, by reason of such recovery, be forfeited, revoked and canceled; and the court entering judgment of recovery shall also enter an order declaring forfeited, revoked and canceled such license; and the unearned portion of the occupation tax paid therefor shall not be refunded, but shall be forfeited to the State and county, city or town to which the money for the same may have been paid. And any person or firm who shall sell any such liquors or medicated bitters in any quantity, to be drunk on the premises, without first giving bond as required by this law or who shall sell the same after said license shall have been forfeited, revoked or canceled, shall be deemed guilty of a misdemeanor and on conviction shall be fined in the same amount provided for sales where no license has been obtained. An open house, in the meaning of this chapter, is one in which no screens or other device is used or placed inside or outside of such house or place of business for the purpose of or that will obstruct the view through the open door or place of entrance into any such house or place where intoxicating liquors are sold to be drunk on the premises. A quiet house or place of business, in the meaning of this chapter is one in which no music, loud or boisterous talking, yelling or indecent or vulgar language is allowed, used or practiced, or any other noise calculated to disturb or annoy any person residing or doing business in the vicinity of such house or place of business, or those passing along the streets or public highways. By an orderly house is meant one in which no prostitutes or lewd women or woman are allowed to enter or remain; and it is further provided, that said house must not contain any vulgar or obscene pictures. Any



surety on such bond may relieve himself from further liability thereon by giving the principal in said bond notice in writing that he will not longer remain as surety thereon, and by filing with the county judge an affidavit that such notice has been given; and if within five days after such notice the principal fails to make a new bond, he shall cease to pursue said business until a new bond is given. Any person who shall continue to pursue said business, after such notice is given and such affidavit is filed, shall be guilty of a misdemeanor and shall be punished as provided in cases where no license has been procured; provided, that where the sale was made in good faith, or the minor permitted to enter and remain in good faith with the belief that the minor was of age, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; provided further, that where the sale to an habitual drunkard is made in good faith, with the belief that he is not an habitual drunkard, and there is good grounds for such belief, that shall be a valid defense to any recovery on such bond; provided, the provisions of this law shall apply to suits by the State or of any individual. Provided, that no license shall be issued under this law to any person who has been convicted of a felony and served such term of conviction.

Sec. 2. The fact that the Revised Civil Statutes of Texas of 1911 are in conflict with the provisions of Article 615, Title 11, Chapter 8, of the Penal Code as amended by Chapter 75, General Laws of the Regular Session of the Thirty-third Legislature, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

#### SENATE BILL NO. 39.

Senator Warren moved that Senate bill No. 39 be made a special order for tomorrow morning, after the conclusion of the morning call, which motion was adopted.

#### SENATE BILL NO. 53.

(By Unanimous Consent.)

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended

and Senate bill No. 53 put on its second reading by the following vote.

Yeas—27.

Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Lattimore.	

Nays—1.

Astin.

Absent.

Johnson.

Absent—Excused.

Real.

The Chair laid before the Senate, on second reading,

Senate bill No. 43, creating a special district court for El Paso county, and declaring an emergency.

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Johnson.

Absent—Excused.

Real.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 40.

(By Unanimous Consent.)

The Chair laid before the Senate on second reading,

Senate bill No. 40, A bill to be entitled "An Act to amend Article 911 of the Penal Code of the State of Texas, as amended at the Regular Session of the Thirty-third Legislature, Chapter 135, page 268, Acts of the Thirty-third Legislature, so as to prevent taking fish or terrapin by drag seine during the breeding season and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, and in all streams and canals leading from one body of salt water to another body of salt water in the State of Texas; to empower the Game, Fish and Oyster Commissioner to close waters against seining and netting under certain conditions, and to prevent seining during the breeding season in salt waters, and providing penalty for the violation of this act, and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

Senator Wiley offered the following amendment, which was read and adopted:

Amend Senate bill by adding at the bottom of Section 1 the following: "And provided further, that this section is not intended to prevent the use of trammel nets, gill nets or other nets when used strictly as set nets, except in passes, streams, canals and in waters within one mile of passes leading from coastal waters into the Gulf of Mexico."

The bill was read second time and passed to engrossment.

On motion of Senator Wiley, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Astin.	McNealus.
Bailey of De Witt.	Morrow.
Carter.	Nugent.
Collins.	Oliver.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Lattimore.	

Absent.

Bailey of Harris.	Johnson.
Brelsford.	McGregor.
Clark.	Willacy.

Absent—Excused.

Real.

The bill was read third time and passed by the following vote:

Yeas—24.

Astin.	McNealus.
Bailey of De Witt.	Morrow.
Carter.	Nugent.
Collins.	Oliver.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Lattimore.	Willacy.

Present—Not Voting.

Bailey of Harris.

**Absent.**

Brelsford.  
Clark.

Johnson.  
McGregor.

**Absent—Excused.**

Real.

Senator Wiley moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

Senator Nugent moved that his name be stricken from Senate bill No. 20, known as the bonded warehouse bill, which motion prevailed.

**ADJOURNMENT.**

On motion of Senator Taylor, the Senate, at 6:20 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

**APPENDIX.****COMMITTEE REPORTS.**

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Federal Relations, to whom was referred House Concurrent Resolution No. 9, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the Senate do concur in the same, and that said resolution be not printed.

WESTBROOK, Chairman.

(Floor Report.)

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 53, A bill to be entitled "An Act to create a special district court for El Paso county, Texas, to be known as the Special District Court of El Paso county; to prescribe its jurisdiction; to limit its existence; to fix its terms; to conform all writs and process of said court to the district court of said county and to such changes as are made in the jurisdiction of said court by this act; to empower the judge of the said special district court and the judges of the Thirty-fourth Judicial District court and

the Forty-first Judicial District court of Texas to transfer cases from their respective courts to this court; to provide for appointment of a judge for said special district court; to fix his salary and term of office, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Hudspeth, Chairman; Bailey, Morrow, Nugent, Taylor, Brelsford, Carter.

**Committee Room.**

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 16. A bill to be entitled "An Act on the subject of private corporations, authorizing the chartering of corporations for the purpose of acquiring, improving, subdividing and selling unimproved lands, within the State of Texas under the terms, conditions and limitations prescribed in this act; the said corporations to be known as 'colonization companies'; and all corporations organized under the provisions of this act, or which accept the provisions of the same, shall be under the supervision of the Commissioner of Banking and Insurance; prescribing the powers, duties and limitations of said corporations; requiring the same to make reports; prescribing the amount of franchise taxes to be paid; prescribing the terms and conditions under which corporations now in existence chartered for other purposes may accept the provisions of this act and exercise the powers and privileges thereof; prescribing the terms and conditions on which foreign corporations chartered for the same purpose may be admitted to do business in this State, and prescribing the powers, duties and privileges of said foreign corporations, and prohibiting any foreign corporation granted a permit to do business in this State from acquiring, improving, subdividing or selling real estate except as an agent for the owner of said lands; prescribing the procedure to be pursued against companies violating the provisions of this act; and further providing that any foreign corporation doing business in this State under a permit that without the consent of the other party to the litigation shall remove a suit or proceeding brought by or against it in a State court to any Federal court

or shall institute any suit in a Federal court against any domestic corporation or citizen in this State, shall have its permit cancelled and it shall be barred from doing business in this State, and declaring an emergency."

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 29, A bill to be entitled "An Act to prohibit the creation of deficiencies or debts in the name of the State by regents, directors, officers or members of governing boards of any of the educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or the creating of any debt inconsistent with existing laws, making invalid all such contracts and debts, prohibiting the diverting of funds, providing for penalties for violations of this act, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room.

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Concurrent Resolution No. 5, Providing for the appointment of a State Commission to raise the funds, assemble, prepare, install and maintain an exhibit of the resources of the State of Texas at the Panama-Pacific International Exposition at San Francisco, 1915.

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 21, A bill to be entitled "An Act adding to and making a part of the Memphis Independent School District of Hall county, Texas, certain lands and territory adjoining thereto situate in Hall county, and adding

thereto and making a part thereof certain lands and territory adjoining thereto, situate in the county of Collingsworth, all for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territory and the inhabitants thereof; requiring such board of trustees to levy, assess, collect and pay into the Treasury annually a proportional part of a certain tax fund existing on part of said territory, and declaring an emergency,"

And find it correctly engrossed.

BRELSFORD, Chairman.

### HOUSE BILL NO. 29.

The following bill is printed here by motion of Senator Willacy:

H. B. No. 29.

By Wortham.

#### A BILL

#### To Be Entitled

An Act making appropriations to pay various miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this act, making appropriations for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury not otherwise appropriated to pay various miscellaneous claims against the State, as herein enumerated; and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913.

#### Miscellaneous Items.

To refund liquor dealers the proportionate amount of taxes heretofore paid by them for the unexpired term of their licenses in local option district, and restricted districts on account of amended city charters, up to August 31, 1915, and to refund the

State's portion of all such liquor licenses, heretofore paid under laws, heretofore enacted, or so much thereof as may be necessary .....	\$ 10,000 00	Branch, citizens of Jackson county, amount overpaid in taxes.....	41 33
To pay Jake Giles, sheriff of Jefferson county, fees in criminal cases .....	206 40	To refund State taxes erroneously paid by the Ragley-Saner Lumber Company of Jasper county....	13 31
To pay C. W. Howth fees as county attorney in felony cases, on which payments were made, as if the county was under the fee bill....	184 00	To refund to the First National Bank of Amarillo, Texas, taxes erroneously paid .....	155 00
To pay T. F. Skevington, tax assessor of Dimmit county, for assessing State revenue and State school taxes for year 1912, as per Comptroller's certificate No. 1..	883 85	To refund to the Rural Telephone Company of Holland, Texas, gross receipts taxes illegally and erroneously paid .....	85 93
To pay Dennis Richardson for services as a Texas ranger for five months at \$40 a month, from March, 1860, to July, 1860, inclusive .....	200 00	To refund to Mrs. P. B. Carr taxes erroneously paid on lot in city of Dallas.....	6 00
To pay J. P. Flynt, sheriff of Runnels county, fees in felony cases .....	20 00	To pay amount due W. M. Atkinson, district attorney of the Twenty-fifth Judicial District, for services rendered in trial of certain cases in the years 1908 and 1909, included.....	180 00
To pay William Reese, manager for the Colonial and United States Mortgage Company, Ltd., overpaid franchise tax .....	72 00	To pay R. B. Minor salary as codifying commissioner from December 15, 1912, to January 1, 1913.....	145 83
To pay Marshall Traction Company amount erroneously paid as franchise tax on account of said company being subject to the gross receipts tax law.....	37 50	To pay Andreas Coy, Jr., district clerk, Bexar county, Texas, for costs in the case of H. E. W. Gley vs. Lane .....	27 55
To pay Mrs. E. L. Wesley, public free school teacher of Coleman county, Texas, for amount due her for services rendered during the year of 1891, account having the approval of State Superintendent F. M. Bralley .....	40 00	To refund to S. H. Huston of Houston, Texas, taxes erroneously paid to the State .....	10 32
To pay Higgins Oil and Fuel Company claim against the State for four cars of fuel oil, shipped and delivered to the State Lunatic Asylum, at Austin, during the year 1907, which account now has the approval of the storekeeper and accountant and the Purchasing Agent at that time...	859 43	To pay the Southwestern Traction Company, franchise tax erroneously paid, on account of paying a gross receipt tax .....	172 55
To pay the Swann Furniture and Carpet Company for desks, chairs, carpet and linoleum for the House of Representatives .....	2,380 02	To pay accounts of annotators and assistants, as per list of approved accounts by the Codifying Commissioners .....	4,413 21
To refund to C. and E.		To pay Judge Sam R. Scott and assistants, for services rendered in connection with the locating and re-marking boundary line between New Mexico and the State of Texas, as per contract entered into by the Governor of Texas and Judge Scott on the 12th day of April, 1911, included.....	10,073 49
		To pay the San Antonio Drug Company for drugs, etc., delivered to the Southwestern Insane Asylum at San Antonio, State	



Orphans' Home, at Corsicana, and the North Texas Insane Asylum at Terrell, Texas, said claims being properly approved by the boards of each of the above named institutions, the same having never been paid, papers having been lost in the past .....	224 81	3751, State of Texas vs. Sam Spicer .....	23 25
To pay Swift & Co. for two shipments of butterine, made to the Southwestern Insane Asylum of San Antonio, April 26, 1911, and June 2, 1911 .....	268 80	To pay account of stenographers, as per approved accounts by the codifying commissioners .....	1,378 25
To pay Austin Light & Power Company for water and light furnished the State Deaf, Dumb and Blind Institute, colored, during the months of May, June, July and August, 1911, and July and August, 1912; also State Insane Asylum, July and August, 1912; State Confederate Home, August, 1911; also water furnished Capitol grounds during the months of July and August, 1911; also Land Office, August, 1911, and 1912; also water and light furnished the State Confederate Home for July and August, 1907; January, April and July, 1908	1,968 93	To pay Z. R. McDonald, official court reporter, Fifty-ninth Judicial District, fees allowed for services rendered in case No. 11687, State of Texas vs. Wood Maxcey .....	26 25
The above claims have never been paid, as the funds for the different institutions to cover such items having been exhausted for those months, and furthermore, these claims have never been presented to the Finance Committee, for the reason that they had been misplaced.		To pay O. P. Fowler, official court reporter Twenty-fourth Judicial District, for services in criminal cases, as per accounts filed in Comptroller's Department .....	122 17
To pay A. L. Ledbetter of Dallas county, fees due in trials of certain cases....	27 90	To pay H. P. Bickler, official court reporter Twenty-sixth Judicial District, stenographic fees in cases of State of Texas vs. Raphael Lopez, C. O. Turner and W. M. Stevens.....	31 42
To pay Tom D. Smith for yeast furnished the Deaf and Dumb Institute, colored, during months of April and May, 1913, said account being approved by the board of said institution .....	16 36	To pay T. M. Harrell, official court reporter Seventy-first Judicial District, case of Texas vs. Mose Wilson..	11 06
To pay W. H. Graham fees in case No. 3744 in the district court of Taylor county, State of Texas, vs. Bernardo Acosta; also case No.		To pay George G. Markley, official court reporter of the First Judicial District, stenographic fees in sundry cases .....	112 25
		To pay Earl Carter, official court reporter of the Sixty-sixth Judicial District, for services in case of State of Texas vs. Bush Coker.....	15 60
		To pay Hall Etter, official district court stenographer, one-half of transcript fees in the hereinafter styled and numbered causes, where the court was required to and did appoint attorneys to represent defendants in criminal action, as provided in Section 14, Chapter 119, Acts of the Thirty-second Legislature, which one-half of said transcript fees are as follows, towit:	
		No. 3166. The State of Texas vs. Alfred Alexander .....	20 00
		No. 3162. The State of Texas vs. Cullen Nobles and Curtis McGinsey...	14 00
		No. 3162. The State of	

Texas vs. Curtis McGinsey .....	12 00	thereof as may be necessary .....	1,000 00
No. 3251. The State of Texas vs. Curtis McGinsey .....	17 00	For support and maintenance of the Deaf and Dumb and Blind Institute, Colored, for the fiscal year ending August 31, 1913.....	400 00
No. 3282 and No. 3283. The State of Texas vs. Will Johnson .....	15 00	To erect a monument in the State Cemetery over the grave of Major General John A. Wharton, or so much thereof as may be necessary, to be expended under the direction of the Governor .....	1,000 00
No. .... The State of Texas vs. Dan McCline..	20 00	To pay Clarke & Courts for stationery bought June 18, 1913, by the Court of Civil Appeals at Texarkana .....	33 75
No. .... The State of Texas vs. Lillie Maxwell	19 00	To pay Geo. D. Barnard & Co., stationery accounts for the Court of Civil Appeals at Texarkana for Stationery bought during the months of April, May and October, 1911, and January, 1913 .....	201 80
Total .....	117 00	To pay E. T. Rosborough for one typewriter furnished Court of Civil Appeals, Sixth District, during year 1907.....	100 00
To pay Sam W. Davis, official court reporter Fifteenth Judicial District, in case of State of Texas vs. Carl Oliver .....	24 10	To pay E. T. Rosborough for one wide carriage typewriter furnished Court of Civil Appeals, Sixth District, during year 1908..	115 00
To pay Charles E. Pickle, official court reporter, Fifty-third Judicial District, for services in cases of State of Texas vs. John Henry and W. M. Stevens.....	21 37	To pay E. T. Rosborough difference in exchange of two typewriters for Court of Civil Appeals, Sixth District, during year 1911..	125 00
To pay T. M. Harrell, official court reporter Seventy-first Judicial District, for services in case of State of Texas vs. Israel Hill.....	28 15	To pay E. T. Rosborough difference in exchange of one typewriter for the Court of Civil Appeals, Sixth District, during year 1912	35 00
To pay Henry Mings, official court reporter Seventh Judicial District, for services rendered in case of State of Texas vs. Tom Tate....	153 00	To pay E. T. Rosborough for repairing and remodeling one typewriter for Court of Civil Appeals, Sixth District .....	15 00
To pay T. M. Harrell, official court reporter Seventy-first Judicial District, for services rendered in case of State of Texas vs. Philip Brookins .....	23 60	To pay Joe Murray for postage stamps for Court of Civil Appeals, Fourth District, during months of May, June and July, 1913, account being approved by W. S. Fly, Chief Justice.	26 50
To pay C. I. Evans, official court reporter of Criminal District No. 2, Dallas county, in case of State of Texas vs. Ed Jones.....	48 40	To pay Remington Typewriter Company balance due on typewriters for the General Land Office.....	297 20
To pay George E. Bell, official court reporter Thirty-seventh Judicial District, in cases of State of Texas vs. A. Calderon and Frank Smith .....	10 40		
To complete the erection of a monument in the court house yard at Granbury, Hood county, Texas, to the memory of Brigadier General H. B. Granbury, to be expended under the direction of the Daughters of the Confederacy of Granbury Camp, or so much			

To pay the Underwood Typewriter Company balance due on typewriters for the General Land Office.....	247 53	ers' Mutual Hail Insurance Company of Minnesota, fees paid to the State of Texas for permit to do business in the State, said application being refused..	46 25
To pay John W. Benson the following: For service as a Texas Ranger for five months at \$40 per month, from March, 1860, to July, 1860, inclusive .....	200 00	To refund William M. Dunson, Travis county, State taxes erroneously paid the year 1911, same having been paid twice.....	22 92
To refund E. M. Bacon money paid into the State Treasury for land applied for under Act of 1879, said application being rejected by the Land Commissioner in accordance with judgment of the district court of Mitchell county, as per certificate of Land Commissioner .....	579 00	To pay J. T. Robinson for copying General and Special Laws of the Thirty-third Legislature and for proof reading General Laws, 114 days' work....	400 00
To refund to H. T. Reuter-mann, of Bexar county, State portion of a tax as sewing machine agent for the years from April 16, 1910, to April 15, 1911, and from April 16, 1911, to April 15, 1912, due to the fact that the law known as the merchants' occupation tax law was declared unconstitutional about the latter date .....	30 00	To pay sundry accounts due by the Nacogdoches Experiment Station, vouchers to be approved by the Director of Experiment Stations, as follows:	
To pay C. A. Dahlich for chairs, etc., furnished the Deaf and Dumb Institute, November, 1910, said account having approval of the board, which has never been paid .....	46 60	Labor on buildings.....	123 80
Salary of one assistant inspector of masonry from July 3, 1913, to September 1, 1913 .....	290 00	Superintendent's account	341 00
Expenses of assistant inspector of masonry, July 3, 1913, to August 1, 1913....	76 35	Fertilizers .....	105 00
Estimated expenses of assistant inspector of masonry August 1, 1913, to September 1, 1913.....	80 00	Feed stuffs .....	80 20
To pay Wm. J. Bailey of Ft. Worth, Texas, ten months' rent on feeding station for the months of February to November, 1911, inclusive, said account being approved by the Director of State Experiment Stations .....	833 33	Salaries June, July and August, 1913 .....	300 00
To pay additional expenses of extra live stock inspectors up to September 1, 1913..	2500 00	Labor .....	50 00
To refund to the State Farm-		To pay the Texas State prison system for cast iron pipe furnished the Confederate Home, said account being approved by the storekeeper for said Home .....	411 03
		To pay amount due Company I. 2d Infantry, Texas National Guard, for services rendered at Laredo February and March, 1913, in aid of civil authority.....	143 45
		To pay for services rendered by Companies A, B, D and Hospital detachment, 4th Infantry, Texas National Guard, at Ft. Worth, Texas, May, 1913, on the call of the sheriff of Tarrant county, in aid of civil authority .....	1,075 45
		To pay increase of salaries of twenty-four judges of the Eighth Supreme Judicial District from July 1, 1913, to August 31, 1913, inclusive .....	2,000 00
		To pay increase of salaries for the six judges of the Supreme Court and Court of Criminal Appeals, from July 1, 1913, to August 31, 1913 .....	1,000 00
		To pay amount due the city	

of Austin for paving Lavaca street, from Tenth to Eleventh streets, in the rear of the Governor's Mansion . . . . .	1,058 75	Support and maintenance, running expenses . . . . .	15,000 00
For mileage and per diem, Regular Session Thirty-third Legislature, being balance due J. L. Robinson and Noel Brown, Journal Clerks . . . . .	150 00	Prairie View Normal:	
To pay the following amounts necessary for the enforcement of the provisions of Section 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i, of Chapter 17, Acts of the First Called Session of the Thirty-first Legislature, to be expended in two years ending August 31, 1913, as follows:		Support and maintenance	10,000 00
Registered claims . . . . .	996 72	Public Buildings and Grounds:	
Estimated claims, outstanding and unregistered, based upon commissions to take depositions already issued	1,000 00	Water, light, fuel and contingencies . . . . .	1,200 00
To pay claims of court reporters for transcribing testimonies in felony cases where pauper oath is filed, as provided by law . . . . .	250 00	Public Printing:	
Approved deficiencies for the year ending August 31, 1913:		Printing, first, second and third class, etc. . . . .	12,000 00
State Tax Board:		Claims registered in the Comptroller's office, appropriations being exhausted for the fiscal year ending August 31, 1913.	
Salary of bookkeeper, stenographer, etc. . . . .	150 00	Southwestern Insane Asylum:	
Postage, express, telegraphing and telephone . . . . .	100 00	Support and maintenance . .	430 15
Contingent expenses . . . . .	75 00	For the fiscal year ending August 31, 1912:	
Insurance and Banking:		To pay special judges . .	239 28
Postage, stationery, express, etc. . . . .	1,000 00	To refund liquor dealers the proportionate amount of taxes paid by them for the unexpired term of their license in local option districts and to refund the State's portion of liquor license under Chapter 17, of the First Called Session of the Thirty-first Legislature, Sections 17 and 16, August 31, 1913 . . . . .	2,500 00
Contingent expenses . . . . .	150 00	For the payment of fees and costs of sheriffs, clerks and attorneys in felony cases for the year ending August 31, 1913:	
State Library:		Registered . . . . .	51,070 91
Library supplies, postage and freight . . . . .	100 00	For the year ending August 31, 1911 . . . . .	2,865 94
Contingent expenses . . . . .	25 00	Fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials . . . . .	1,784 00
State Lunatic Asylum:		For the payment of sheriffs, clerks and attorneys in felony cases for the year ending August 31, 1912 . . . . .	56 85
Support and maintenance .	30,000 00	For expenses of attached witnesses for the year ending August 31, 1913 . . . . .	29 66
Dry goods and clothing . .	6,000 00		
Repairs . . . . .	2,000 00		
State Purchasing Agent:			
Contingent expenses . . . . .	300 00		
A. and M. College:			
Support and maintenance, salaries . . . . .	45,000 00		

Fees of county judges, county attorneys, jus- tices of the peace, sheriffs and constables in examining trials for the year ending Au- gust 31, 1912 .....	7 00
To refund to the Leon H. Blum Land Company taxes erroneously paid on land in E. Thomas Survey, Ab- stract 73, Harris county, Texas .....	17 33
Total .....	\$109,567 77

Sec. 2. Whereas, there are no appropriations to pay claims against the State herein provided for, which are outstanding and are legal claims against the State, creates an emergency and an imperative public necessity, which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each House, and this act take effect and be in force from and after its passage, and it is so enacted.

Amend House bill No. 29 by adding before Section 2, the following:

"Public Debt.—Payment of interest on public debt for the year ending August 31, 1914, \$129,691.00; for the year ending August 31, 1915, \$129,691.00."

Adopted.

W. R. LONG,  
Chief Clerk, House of Representatives.

Amend the bill by inserting after line 25 the following: "To pay to Miss Mary Mercer for stenographic work in preparing an application for a deficiency appropriation for the Colored Deaf, Dumb and Blind Asylum, at the request of the board of managers for said asylum, \$5.00."

Adopted.

W. R. LONG,  
Chief Clerk, House of Representatives.

Amend caption to House bill No. 29 so as to read as follows:

"An Act making appropriations to pay various miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this act, making appropriations for deficiencies incurred in the support of the State government for the fiscal years ending August 31, 1911, 1912, and 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and to pay the interest on the public debt for the two

years ending August 31, 1915, and declaring an emergency."

Adopted.

W. R. LONG,  
Chief Clerk, House of Representatives.

Amend House bill No. 29, Section 1, so as to read as follows:

"Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury not otherwise appropriated to pay various miscellaneous claims against the State, as herein enumerated; and for the deficiencies incurred in the support of the State government for the fiscal years ending August 31, 1911, 1912, and 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and to pay the interest on the public debt for the two years ending August 31, 1915."

Adopted.

W. R. LONG,  
Chief Clerk, House of Representatives.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

House bill No. 29, A bill to be entitled "An Act making appropriations to pay various miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this act, making appropriations for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following committee amendments, and that it be not printed.

Amend the bill by striking out all after the enacting clause and substitute the following in lieu thereof:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay deficiencies in the appropriations made for the support of the State



government, registered for the fiscal years ending August 31, 1912, and August 31, 1913, and for emergency and miscellaneous appropriations:

State Tax Board—Salary of book-keeper, stenographer, etc., \$150; postage, express, telegraphing and telephone, \$100; contingent expenses, \$75.

Insurance and Banking—Postage, stationery, express, etc., \$1000; contingent expenses, \$150.

State Library—Library supplies, postage and freight, \$100; contingent expenses, \$25.

State Lunatic Asylum—Support and maintenance, \$30,000; dry goods and clothing, \$6000; repairs, \$2000.

State Purchasing Agent—Contingent expenses, \$300.

A. and M. College.—Support and maintenance, salaries, \$45,000; support and maintenance, running expenses, \$15,000.

Prairie View Normal.—Support and maintenance, \$10,000.

Public Buildings and Grounds.—Water, light, fuel and contingencies, \$1200.

Public Printing.—Printing, first, second and third class, etc., \$12,000.

Southwestern Insane Asylum.—For the fiscal year ending August 31, 1912, to pay special judges, \$239.28.

To refund liquor dealers the proportionate amount of taxes paid by them for the unexpired term of their license in local option districts, and to refund the State's portion of liquor license under Chapter 17 of the First Called Session of the Thirty-first Legislature, Sections 7 and 16, August 31, 1913, \$2500.

For the payment of fees and costs of sheriffs' clerks and attorneys in felony cases for the year ending August 31, 1913, registered, \$51,070.91.

To refund liquor dealers the proportionate amount of taxes heretofore paid by them for the unexpired term of their licenses in local option districts, and for other purposes, up to August 31, 1915, and to refund the State's portion of all such licenses heretofore paid under laws heretofore enacted, or so much thereof as may be necessary, \$15,000.

For the payment of sheriffs' clerks and attorneys in felony cases for the year ending August 31, 1912, \$56.85.

For expenses of attached witnesses for the year ending August 31, 1912, \$29.66.

Fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials for the year ending August 31, 1912, \$7.

For the enforcement of provisions of Secs. 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, of

Chapter 17, Acts of the First Called Session of the Thirty-first Legislature, to be expended in two years ending August 31, 1913, \$2073.72.

For the purpose of carrying into effect the provisions of Articles 5353, 5354 and 5355, of the Revised Civil Statutes of 1911, there is hereby appropriated out of any funds in the hands of the Treasurer not otherwise appropriated, the sum of \$10,000 for the fiscal year ending August 31, 1914, and \$10,000 for the fiscal year ending August 31, 1915, or so much thereof as may be necessary, to be expended in two years under the direction of the Governor, Attorney General and Commissioner of the General Land Office of the State of Texas, \$20,000.

Treasury Department—To refund purchasers, or lessees of public domain, public school lands, etc., when approved by the Attorney General, \$2536.18.

Prairie View State Normal—Balance on deficiency for the years beginning September 1, 1911, and ending August 31, 1913, \$30,582.99.

Agricultural and Mechanical College—Balance on deficiency for the years beginning September 1, 1911, and ending August 31, 1913, \$27,265.83; to complete new mess hall, \$12,529; to complete main building, \$22,500. Provided, that so much of the appropriation herein provided for to complete the new mess hall and the main building shall be allowed as the same may be approved by the Governor, and that no part of the said sum appropriated shall be used to supplement any amount contracted to be paid to any contractor for any work included in said contracts.

To pay increase in salaries of judges of the Supreme Court, Court of Criminal Appeals and Courts of Civil Appeals, for the months of July and August, 1913, as provided by Act of the Regular Session of the Thirty-third Legislature, specifically as follows: Three judges of the Supreme Court, each at \$83.33 per month, for two months, \$499.98; three judges of the Court of Criminal Appeals, each at \$83.33 per month, for two months, \$499.98; twenty-four judges of the Courts of Civil Appeals, each at \$41.66½ per month or \$83.66 for two months, \$1999.92.

To purchase a bust of General Memucan Hunt, now in the possession of his widow in Montgomery, Texas, together with any papers and historical data that may be in the possession of said widow, to be deposited in the State Library in the Capitol at Austin, the sum of \$2000. And the Governor is hereby authorized to draw a warrant for

said sum against the general revenues for this purpose, and the Comptroller is hereby authorized to issue warrant against the State Treasurer, and the Treasurer is hereby authorized to pay same.

Special Judges.—To pay Judge J. Llewellyn (special judge for Ninth Judicial District) salary from April 26, 1913, to August 31, 1913, \$1041.66.

To pay Judge W. J. Mathis (special judge for Grayson county) salary from May 12, 1913, to August 31, 1913, \$908.33.

To pay Ellis Brothers of El Paso, account created by the Court of Civil Appeals (Eighth Supreme Judicial District), upon approved account, \$97.95.

To pay J. I. Driscoll, clerk of the Eighth Supreme Judicial District Court, amount paid for stamps, \$35.

To pay George D. Barnard & Co. for supplies furnished the Eighth Supreme Judicial District Court, \$47.50.

To erect monument in San Patricio county to the memory of James McGloin, empresario of the McMullen and McGloin colony, subject to the approval of the Governor, \$1000.

To pay Bascom Lynn, superintendent Tuberculosis Sanitarium, amount paid for salary account of the State on December, 1912, pay roll, \$1572.54.

To reimburse Continental Land and Cattle Co. for taxes erroneously collected by the State and erroneously paid on lands in Hall, Cottle and Motley counties for the years 1892 to 1911, inclusive, \$1169.77.

To pay J. T. Robison for copying General and Special Laws of the Thirty-third Legislature and for proof reading General Laws in Secretary of State's office (114 days' work), \$400.

All the unexpended balance of the appropriation made by the Thirty-second Legislature, Chapter 32, of the General Laws as enacted at the Regular Session, being House bill No. 142, said appropriation being included in Section 6 of said act, are hereby appropriated for the purposes of said act and the payment of said bounties as therein enumerated, for the two years beginning September 1, 1913, and ending August 31, 1915, \$\_\_\_\_\_.

To pay William Reese, manager for the Colonial and United States Mortgage Company, Ltd., overpaid franchise tax, \$72.

To pay amount due W. M. Atkison, district attorney of the Twenty-fifth Judicial District, for services rendered in trial of certain cases in the years 1908 and 1909, \$180.

To pay Judge Sam R. Scott and as-

sistants for services rendered in connection with the locating and re-marking boundary line between New Mexico and the State of Texas, as per contract entered into by the Governor of the State of Texas and Judge Scott on the 12th day of April, 1911, \$10,073.49.

To erect a monument in the State Cemetery over the grave of Brigadier General John A. Wharton, or so much thereof as may be necessary, \$1000.

To pay Remington Typewriter Company balance due on typewriters for the General Land Office, \$297.50.

To pay Underwood Typewriter Company balance due on typewriters for the General Land Office, \$247.53.

To pay amount due Company I, Second Infantry, Texas National Guard, for services rendered at Laredo, February and March, 1913, in aid of civil authorities, \$143.45.

To pay for services rendered by Companies A, B, and D, Hospital Detachment, Fourth Infantry, Texas National Guard, at Fort Worth, Texas, May, 1913, on the call of the sheriff of Tarrant county, in aid of civil authority, \$1075.45.

To pay increase of salaries of 24 judges of the Eighth Supreme Judicial District from July 1, 1913, to August 31, 1913, inclusive, \$2000.

To pay increase of salaries for the six judges of the Supreme Court and Court of Criminal Appeals from July 1, 1913, to August 31, 1913, \$1000.

To pay amount due the city of Austin for paying Lavaca street from Tenth to Eleventh streets, in the rear of the Governor's mansion, \$1058.75.

For mileage and per diem, regular session, Thirty-third Legislature, being balance due J. L. Robinson and Noel Brown, Journal Clerks, \$150.

To complete the erection of a monument in the court house yard at Granbury, Hood county, Texas, to the memory of Brigadier-General H. B. Granbury to be expended under the direction of the Daughters of Confederacy of Granbury Camp, or so much thereof as may be necessary, \$1000.

To pay the keeper of San Jacinto Battle Ground for services rendered up to and inclusive of August 31, 1913, under the direction and supervision of the Superintendent of Public Buildings and Grounds, \$900.

Sec. 2. The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual ex-

penditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

Sec. 3. Whereas, there are no appropriations to pay claims against the State herein provided for, which are outstanding and are legal claims against the State, creates an emergency and an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each house, and this act take effect and be in force from and after its passage, and it is so enacted.

WILLACY, Chairman.

(Floor Report.)

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 48, A bill to be entitled "An Act to amend Section 2, Chapter 67. Local and Special Laws of the Acts of the Thirty-second Legislature of the State of Texas, creating a special road law for Mason county, Texas, so as to provide that hands employed to work on the public roads shall be paid not more than \$1.50 per day, and that not more than \$3.00 per day shall be paid for a team and driver, and further so as to provide that the superintendent of roads and bridges shall have charge of all public roads and bridges and supervise all work done thereon, but that the county commissioners shall inspect the roads within their respective precincts once each month, and shall receive as compensation therefor \$3.00 per day for the time actually employed in the discharge of such duty, provided that no commissioner shall receive pay for more than three days in any one month, and providing for an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Terrell, Chairman; Westbrook, Taylor, McNealus, Harley.

(Floor Report.)

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads,

Bridges and Ferries, to whom was referred

House bill No. 52, A bill to be entitled "An Act to amend the special road law for Smith county, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature, and creating an emergency, and providing for the suspension of the constitutional rule requiring all bills to be read on three several days,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, Taylor, McNealus, Townsend, Harley, Morrow.

(Floor Report.)

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 58, A bill to be entitled "An Act to amend Chapter 38 of the Special Laws of the Thirty-second Legislature as amended by the Thirty-third Legislature, entitled 'An Act to create a more efficient road system for Wood county, etc.,' by making it unlawful to injure or damage any public road in said county; prescribing penalties, and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, Taylor, McNealus, Townsend, Harley, Morrow.

(Floor Report.)

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 81, A bill to be entitled "An Act to repeal Chapter 121, Special Laws of the Regular Session of the Thirty-third Legislature, the same being a special road law for Liberty county, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, Taylor, Harley, McNealus, Townsend.

Committee Room,  
Austin, Texas, August 15, 1913.  
Hon. Will H. Mayes, President of the  
Senate.

Sir: Your Committee on Judicial Dis-  
tricts, to whom was referred

House bill No. 62, A bill to be entitled  
"An Act to change and prescribe the time  
for holding district court in the Forty-  
ninth Judicial District of Texas, and to  
repeal all laws in conflict herewith, and  
declaring an emergency,"

Have had the same under considera-  
tion, and beg leave to report same back  
to the Senate with the recommendation  
that it do pass, and be not printed.

HUDSPETH, Chairman.

(Floor Report.)

Austin, Texas, August 15, 1913.  
Hon. Will H. Mayes, President of the  
Senate.

Sir: Your Committee on Judicial  
Districts, to whom was referred

House bill No. 43, A bill to be entitled  
"An Act to fix the time for holding the  
terms of the district court in the Forty-  
seventh Judicial District, and to repeal  
all laws in conflict herewith, and de-  
claring an emergency,"

Have had same under consideration,  
and beg leave to report same back to  
the Senate with the recommendation  
that it do pass, and be not printed.

Hudspeth, Chairman; Nugent, Collins,  
Morrow, Carter, Greer, Taylor, Bailey  
of Harris.

(Floor Report.)

Austin, Texas, August 15, 1913.  
Hon. Will H. Mayes, President of the  
Senate.

Sir: Your Committee on Judicial  
Districts, to whom was referred

House bill No. 33, A bill to be entitled  
"An Act to reorganize the Thirty-fourth  
Judicial District of Texas, to regulate  
the time of holding the district courts  
in the various counties composing the  
Thirty-fourth Judicial District of Texas,  
providing for the returning of the pro-  
cess issued and to be issued by said  
courts, validating process heretofore is-  
sued by said court, and declaring an  
emergency,"

Have had same under consideration,  
and beg leave to report same back to  
the Senate with the recommendation  
that it do pass, and be not printed.

Hudspeth, Chairman; Nugent, Collins,  
Morrow, Carter, Greer, Taylor, Bailey  
of Harris.

(Floor Report.)

Austin, Texas, August 15, 1913.  
Hon. Will H. Mayes, President of the  
Senate.

Sir: Your Committee on Judicial  
Districts, to whom was referred

House bill No. 55. A bill to be entitled  
"An Act to reorganize the Twenty-eighth  
Judicial District of the State of Texas  
to fix the times for holding the terms of  
district court therein; to make all pro-  
cess heretofore issued as well as bonds  
and recognizances heretofore entered into  
conform thereto, and to repeal all laws  
and parts of laws in conflict therewith,  
and declaring an emergency,"

Have had some under consideration,  
and beg leave to report same back to  
the Senate with the recommendation  
that it do pass, and be not printed.

Hudspeth, Chairman; Nugent, Collins,  
Morrow, Carter, Greer, Taylor, Bailey  
of Harris.

(Floor Report.)

Austin, Texas, August 15, 1913.  
Hon. Will H. Mayes, President of the  
Senate.

Sir: Your Committee on Judicial  
Districts, to whom was referred

House bill No. 50, A bill to be entitled  
"An Act to create a special district court  
for the Fifth Judicial District of Texas;  
to prescribe its jurisdiction, to limit its  
existence, to fix its terms, to conform  
all writs and process from said court to  
the district court in said district to such  
changes as are made in the jurisdiction  
of the said court by this bill, to em-  
power the judge of said district court,  
and the judge of the Fifth Judicial Dis-  
trict to transfer cases from their re-  
spective courts to the other of said  
courts, to provide for the appointment  
of a judge for said special district court,  
to fix his salary and term of office, and  
declaring an emergency,"

Have had same under consideration,  
and beg leave to report same back to  
the Senate with the recommendation  
that it do pass, with its amendment, and  
be not printed.

Hudspeth, Chairman; Nugent, Collins,  
Morrow, Carter, Greer, Taylor, Bailey  
of Harris.

(Floor Report.)

Austin, Texas, August 15, 1913.  
Hon. Will H. Mayes, President of the  
Senate.

Sir: Your Committee on Judicial  
Districts, to whom was referred

House bill No. 60, A bill to be entitled  
"An Act to amend Sections 26 and 53,  
of Article 30, of Title 5, of the Revised



Statutes of Texas, 1911, and to change and prescribe the time for holding the district court in the Twenty-sixth Judicial District of the State of Texas, and the Fifty-third Judicial District of the State of Texas, and to define the jurisdiction of said courts, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third District Courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial District Courts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit grand juries of such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency,"

Have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Nugent, Collins, Morrow, Carter, Greer, Taylor, Bailey of Harris.

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

House bill No. 40, A bill to be entitled "An Act to amend Chapter 182 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

ASTIN, Chairman.

(Floor Report.)

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 72, A bill to be entitled "An Act to amend and re-enact Article 5585 and Article 5588, Title 83, Chapter 3, of the Revised Civil Statutes of Texas, relating to seawalls and breakwaters, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Lattimore, Chairman; McNealus, McGregor, Townsend, Cowell, Taylor, Morrow, Westbrook, Conner, Bailey of Har-

ris, Brelsford, Collins, Nugent, Hudspeth.

(Floor Report.)

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 75, A bill to be entitled "An Act creating the Copita Independent School District in Duval county, Texas; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general law; providing for a board of trustees therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Darwin, Acting Chairman; Harley, Wiley, Astin, Cowell, Gibson.

(Floor Report.)

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 56, A bill to be entitled "An Act creating the Port Aransas Independent School District, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Darwin, Acting Chairman; Harley, Wiley, Astin, Cowell, Gibson.

(Floor Report.)

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 59, A bill to be entitled "An Act to incorporate Thorndale School District in Milam and Williamson counties, as an independent school district; and to provide for the election of trustees, raising revenue by taxation, and issuing bonds for the erection of school buildings within said district, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Darwin, Acting Chairman; Gibson, Astin, Cowell, Harley.



(Floor Report.)

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 47, A bill to be entitled "An Act to incorporate the Fruitvale Independent School District in Van Zandt county for free school purposes only; describing its boundaries, providing for a board of school trustees for the control and management of the said independent school district, prescribing the rights, powers, privileges and duties of the said Fruitvale Independent School District and its board of school trustees, vesting it with all the rights, powers, privileges and duties of a town or village incorporated under the general laws of this State for free school purposes; providing for a treasurer of school funds of the district, and declaring an emergency,"

Have had the same under consideration; and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Darwin, Acting Chairman; Clark, Astin, Cowell, Gibson, Wiley, Harley.

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Contingent Expenses, to whom was referred motion to allow per diem of the Senator from Cass from August 6, 1913, and also the amendment thereto, together with the substitute as amended, beg leave to report that we have had the same under consideration, and desire to say that we favor the allowance of the per diem to the Senator from Cass, as provided in the original motion, but inasmuch as we have no control over the per diem fund, same being fixed by the Constitution, we therefore feel that it is beyond our province to pass on the same. As to the amendments and the substitute as amended, we recommend to the Senate that the same be not adopted.

Warren, Carter, Cowell, Conner.

(Floor Report.)

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate Concurrent Resolution No. 5, A resolution providing for the appointment of a State commission to raise the

funds, assemble, prepare, install and maintain an exhibit of the resources of the State of Texas at the Panama-Pacific International Exposition at San Francisco, 1915,

Have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Astin, Chairman; Westbrook, Taylor, Bailey of DeWitt, Conner.

(Floor Report.)

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 39, A bill to be entitled "An Act to prohibit the use of any imitation label, trade mark, design, device, imprint or form of the flag of the State of Texas for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, fixing a penalty for violation thereof, and declaring an emergency,"

Have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Conner, Chairman; Nugent, Oliver, Bailey of Harris, Carter, Clark, McGregor.

(Floor Report.)

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Federal Relations, to whom was referred

Senate bill No. 44, A bill to be entitled "An Act authorizing the city of Nacogdoches, a municipal corporation, to sell the United States of America a portion of the Main Plaza for a Federal building site, and declaring an emergency,"

Have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Westbrook, Chairman; Warren, Oliver, Hudspeth, Johnson.

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 40, A bill to be entitled "An Act to amend Article 911 of the Penal Code of the State of Texas, as

amended at the Regular Session of the Thirty-third Legislature, Chapter 135, page 186, Acts of the Thirty-third Legislature, so as to prevent taking fish or terrapin by drag seine during the breeding season, and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, and in all streams and canals leading from one body of salt water to another body of salt water in the State of Texas; to empower the Game, Fish and Oyster Commissioner to close waters against seining and netting under certain conditions, and to prevent seining during the breeding season in salt waters, and providing penalty for the violation of this act, and declaring an emergency,"

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

CONNER, Chairman.

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 22, A bill to be entitled "An Act to create a more efficient road system for Hall county, Texas, and making the commissioners court of said county ex-officio road commissioners in their respective precincts, making this act cumulative, and declaring an emergency,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 45, A bill to be entitled "An Act creating the Files Valley Orphans' Home Independent School District; providing for the appointment of trustees of said district; defining the boundaries, and declaring an emergency,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 28, A bill to be entitled "An Act to amend Chapter 41, Acts of the Twenty-ninth Legislature, as amended by the Thirtieth Legislature, being 'An Act to create a more efficient road system for Dallas county,' and declaring an emergency,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 25, A bill to be entitled "An Act to authorize the Governor, Attorney General and Land Commissioner to lease water rights in the Guadalupe river in DeWitt county upon such terms and for such consideration as they may prescribe, and providing priority of interest in leasing, and also providing means of adjusting damages for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation; the manner of measuring water, and further providing for the manner of distributing power, and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made, and fixing the rights of purchasers of said leaseholds, and declaring an emergency."

And find it correctly engrossed.

BRELSFORD, Chairman.

#### PETITIONS AND MEMORIALS.

By Senator McNealus:

Dallas, Texas, August 15, 1913.

J. C. McNealus, Austin, Texas:

We understand the Governor has presented matter of repeal of House bills Nos. 28 and 508. Trust it will be possible for you to take active part in repealing these matters known as anti-co-insurance and technicality bills.

DALLAS CHAMBER OF COMMERCE.

C. W. HOBSON, President.

## TWENTY-THIRD DAY.

Senate Chamber,  
Austin, Texas,  
Saturday, August 16, 1913.

The Senate met pursuant to adjournment and was called to order by President Pro Tem. Carter.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsiord.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Lattimore.	

Absent.

Clark. Johnson.

Absent—Excused.

Real.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

(See Appendix for petitions and standing committee reports.)

## SIMPLE RESOLUTION.

By Senator Cowell:

Whereas, It is the past experience of the Senate that in the preparation of the general appropriation bill for the support of the State government that fully sixty days' time is consumed by the Senate Finance Committee in preparing the Senate bill, and that in but few instances has the Legislature been able to pass the appropriation bill during the first sixty days of the Regular Session of the Legislature; and

Whereas, It is believed that said consummation of time is largely due to the hearings before the Finance Committee or subcommittees of the Finance Committee and to the time consumed in visiting the various institutions of the State by subcommittees of the Finance Committee; and

Whereas, It is believed that a great

measure of this time may be saved by the appointment of a committee whose duty it will be to hold open hearings for the various departments of the State government prior to the meeting of the next session of the Legislature and by empowering said committee to visit the various institutions of the State government prior to the meeting of the Legislature and empowering, authorizing and requiring said committee so appointed to prepare the first draft of the appropriation bill and submit the same, through the Lieutenant Governor, to the Senate Finance Committee when the Legislature shall again meet, together with a carefully prepared report: now, therefore, be it resolved by the Senate:

1. That there is hereby constituted a committee of three members to be appointed from the membership of the Senate by the Lieutenant Governor, to be known as the Senate Advisory Finance Committee.

2. That said committee be authorized and instructed to meet in the city of Austin at such time as may suit the convenience of the committee, and there enter upon its duties of preparing an advisory appropriation bill to be submitted to the Senate of the Thirty-fourth Legislature when the same shall have convened in January, A. D. 1915; that said committee shall hold such hearings and make such investigations as to the various departments and institutions of the State government as to enable it to obtain reliable information as to the needs of same. It shall conduct such hearings in the city of Austin and such other places and points in the State of Texas as may be necessary in the performance of its duties. It shall visit each and all of the State institutions and carefully investigate the conditions and financial needs of said institutions. It shall be the duty of said committee to call on the heads of all State departments and institutions for reports, statements and records of the requirements of their several offices and institutions in order to enable the committee to determine the financial needs of the same. The committee is vested with full authority to make these investigations the same as though it were a subcommittee of the Finance Committee during the session of the Senate.

3. The committee is empowered and authorized to employ such clerks, stenographers and other help as may be necessary in conducting its sessions and its investigations, and may fix the compensation of those employed at not exceeding the sum paid for similar employ-

ment by the Senate during its Regular Sessions.

4. Each member of the committee shall receive a per diem compensation of five dollars during the time it is engaged on its labors, beginning on the day each member thereof leaves his home for the city of Austin, and ending on the day when he shall have reached his home; in addition thereto the members of said committee shall receive their actual traveling expenses, including hotel bills, from the day they leave home and during the period of time when they are engaged in their labors until they again reach home; the clerical help, stenographers and others employed by the committee shall when absent from the city of Austin receive their necessary traveling expenses and hotel bills in addition to the salary agreed upon by and between them and the committee.

5. The committee on entering upon its labors shall select its own chairman and shall keep regular minutes of its proceedings, which minute book shall be embraced in its report.

6. All funds herein authorized to be expended and the per diem of the members of the committee and all other expenses shall be paid out of the State Treasury upon warrants issued by the Comptroller, passed upon sworn statements approved by the chairman of the committee, and shall be paid out of the contingent expense fund of the Thirty-third Legislature, and all other expenses shall also be paid in the same manner out of said fund.

7. The committee shall have authority to sit as long as sixty days. When it shall have prepared its report it shall make the report and the bill drawn by it in the form of a report to the Lieutenant Governor, and shall cause the same to be printed in convenient form similar to that in which bills are ordinarily printed, and shall have five hundred copies thereof printed for distribution among the heads of the departments of the State government and the Senate and House of Representatives when the Senate of the Thirty-fourth Legislature shall meet, which expense of publication shall be paid as is provided for the payment of other expenses in this resolution.

8. It shall be the duty of the Lieutenant Governor to transmit the report and advisory bill herein referred to to the Senate Finance Committee of the Thirty-fourth Legislature when said committee shall have been appointed.

9. Should the House of Representatives create a committee similar to that created by this resolution, then the committee herein created shall have author-

ity, in its discretion, to sit with the said House committee for all the purposes herein provided, and join said House committee in making a joint report to the Senate and House, if in its discretion the Senate committee should decide so to do.

The resolution was read, and Senator Terrell made the point of order that the Senate could not make an appropriation of funds in this way, and that the appropriation would have to be made by a specific bill.

On motion of Senator McNealus, the resolution was made a special order for next Monday morning following the morning call.

#### EXCUSED.

On account of sickness:

Senator Johnson, for today and Monday, on motion of Senator Townsend.

On account of important business:

Senator Clark, for today, on motion of Senator McNealus.

#### BILLS AND RESOLUTIONS.

By Senator Collins:

Senate bill No. 55, A bill to be entitled "An Act to amend Article 2827 and Article 2862 of the Revised Civil Statutes of the State of Texas so as to provide that the valuation placed on property for taxation in county line independent school districts having their own tax assessor will not be governed by the valuation placed thereon for State and county taxation, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Morning call concluded.

(By Unanimous Consent.)

By Senator Hudspeth:

Senate bill No. 56, A bill to be entitled "An Act to change and prescribe the time for holding district court in the Thirty-eighth Judicial District of Texas; and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Harley:

Senate bill No. 57, A bill to be entitled "An Act creating the Gonzales Independent School District in Gonzales county, Texas; defining its boundaries; provid-

ing for a board of trustees to manage and control the public free schools within said district; divesting the city of Gonzales of the control of its public free schools, and the title of all property now held and used for public school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Wiley:

Senate bill No. 58, A bill to be entitled "An Act to name the several counties composing the Sixteenth Judicial District of Texas, and fixing the time for holding district courts therein, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

#### REFUSED TO TAKE UP REPORT OF COMMITTEE.

Senator Lattimore asked unanimous consent to take up a report of the Committee on Contingent Expenses with regard to paying attorney's fees for the contestants in the recent contest for the seat of the First District, and there was objection, and

Senator Lattimore moved to suspend the regular order of business for the purpose of taking up the report, which motion was lost by the following vote, a two-thirds vote being necessary:

Yeas—15.

Astin.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Collins.	Oliver.
Cowell.	Terrell.
Gibson.	Watson.
Greer.	Willacy.
Hudspeth.	

Nays—11.

Carter.	Taylor.
Conner.	Townsend.
Darwin.	Warren.
Harley.	Westbrook.
Morrow.	Wiley.
Nugent.	

Absent.

Bailey of De Witt.

Absent—Excused.

Clark.  
Johnson.

Real.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Brelsford:

Be it resolved, That the President of the Senate designate a notarial clerk from among the Senate employes for immediate service in the matter of preparing the notary list.

The resolution was read and adopted.

#### HOUSE BILL NO. 40.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 40, A bill to be entitled "An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature of the State of Texas, entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas; to provide for proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency," and providing further for a governing board for the Texas Agricultural Experiment Station, defining the place of residence of the Director of Texas Experiment Stations, and declaring an emergency'; providing for the payment of the salary of the director of said experiment stations, defining his powers and duties and also the powers and duties of the governing board; also providing that the Texas State Agricultural Experiment Station located at College Station, Brazos county, Texas, at the Agricultural and Mechanical College of Texas, shall remain under the control of the board of directors of the Agricultural and Mechanical College and authorizing the said board to receive from the Federal government the aid that has been or may hereafter be available for it under an act of Congress, and declaring an emergency."

The committee report was adopted.

Senator Townsend offered the following amendment:



Amend the bill, Section 6, line 1, by striking out the word "Governor" and insert in lieu thereof "the Legislature."

The amendment was read and adopted by the following vote:

Yeas—21.

Astin.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Harley.	Wiley.
Lattimore.	Willacy.
McNealus.	

Nays—4.

Bailey of Harris.	Hudspeth.
Conner.	Watson.

Absent.

Bailey of De Witt. McGregor.

Absent—Excused.

Clark.	Real.
Johnson.	

Senator Townsend moved to reconsider the vote by which the amendment was adopted and to lay that motion on the table.

The motion to table prevailed.

The bill was read second time and passed to a third reading.

On motion of Senator Conner, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Astin.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Westbrook.
Greer.	Wiley.
Harley.	Willacy.
Lattimore.	

Absent.

Bailey of DeWitt.	McGregor.
Hudspeth.	Watson.

Absent—Excused.

Clark.	Real.
Johnson.	

The bill was third time and passed by the following vote:

Yeas—23.

Astin.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Westbrook.
Greer.	Wiley.
Harley.	Willacy.
Lattimore.	

Absent.

Bailey of De Witt.	McGregor.
Hudspeth.	Watson.

Absent—Excused.

Clark.	Real.
Johnson.	

Senator Conner moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

The motion to table prevailed.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 17, A bill to be entitled "An Act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations; and for the government and control of the same; placing the same under the control and supervision of the Commissioner of Insurance and Banking; and providing for the admission in this State of foreign building and loan associations; and providing penalties for the violation of this act, and repealing all laws in conflict with this act."

House bill No. 38, A bill to be entitled "An Act to amend Article 7642, of Chapter 13, Title 126, Revised Statutes, 1911, providing for the redemption by the owner of lands or lots heretofore sold or that may hereafter be sold to the

State, city or town for taxes, and declaring an emergency."

House bill No. 44, A bill to be entitled "An Act to amend Chapter 5 of the Revised Criminal Statutes of Texas of 1911, and Title 131 of the Revised Civil Statutes of Texas of 1911; providing for the conduct of the business of public warehousemen, describing what constitutes such warehouse, and defining who shall be held to be public warehousemen; providing that all persons, firms and corporations, or associations of persons, shall obtain a certificate of authority from the county clerk of the county in which they intend to engage in said business of warehousemen, and defining the requisites of said certificate; providing that such warehousemen shall issue negotiable and non-negotiable receipts for property stored in such warehouses, and vesting the supervision of such public warehouses in the Commissioner of Insurance and Banking, and defining his duty with reference to such warehouses, and directing said Commissioner to prescribe uniform public warehouse receipts for cotton; and requiring that any encumbrance on cotton stored in public warehouses shall be disclosed in the endorsement on the back of such negotiable receipt or certificate, and providing a penalty for failure to truthfully disclose such facts; preventing public warehousemen, by provisions inserted in their receipts, from limiting their liability under the law; providing for the negotiability of receipts issued; providing a penalty for public warehousemen who violate the provisions of this act; providing the conditions under which private warehousemen may conduct such business; providing for the appointment of a board of cotton grading examiners and defining their duties; requiring public warehousemen storing cotton to employ a competent cotton classer, and affixing a penalty for failure to do so."

House bill No. 61, A bill to be entitled "An Act to amend Section 1, Chapter 40, Special Laws, passed at the Regular Session of the Thirty-third Legislature, being 'An Act creating Rising Star Independent School District in Eastland county, Texas, providing for a board of trustees in said independent school district, and conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed upon independent school districts and the board of trustees thereof; providing that the taxes assessed for the old Rising Star Independent School District for the year 1913 shall be collected and paid to the

treasurer of said Rising Star Independent School District hereby established, and declaring an emergency,' and declaring an emergency."

House bill No. 63, A bill to be entitled "An Act authorizing the city of Nacogdoches, a municipal corporation, to sell to the United States of America a portion of the Main Plaza for a Federal building site, and declaring an emergency."

House bill No. 65, A bill to be entitled "An Act creating the Belcher Independent School District in Montague county, Texas, defining its boundaries, providing for a board of trustees to manage and control public free schools within said district, divesting the city of Belcher of the control of its public free schools, and the title of all properties now held and used for public free school purposes, investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only, under the general laws of this State, and declaring an emergency."

House bill No. 46, A bill to be entitled "An Act to amend Sections 3, 4 and 10, of Chapter 173 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, approved April 9, 1913, relating to the development of minerals in public lands."

House bill No. 73, A bill to be entitled "An Act to create a more efficient road system for Galveston county, Texas, and making county commissioners precinct road commissioners of their respective precincts, providing their compensation, defining their powers and duties, and declaring an emergency."

House bill No. 77, A bill to be entitled "An Act to amend Chapter 41, Act of the Twenty-ninth Legislature, as amended by the Thirtieth Legislature, being an act to create a more efficient road system for Dallas county, and declaring an emergency."

House bill No. 87, A bill to be entitled "An Act dividing Ridings Common School District No. 95, in Fannin county, Texas, into two common school districts, to be known as 'Ridings' Common School District No. 95' and 'Finley Common School District No. 126,' by a line running east and west across said Ridings Common School District No. 95, so as to give each of the newly created common school districts about an equal number of square miles of territory."

Senate bill No. 26, providing for appointment of notaries public.

House bill No. 57, A bill to be entitled "An Act to amend Chapter 1, Title 11, of the Revised Civil Statutes of this State of 1911, relating to attachments.

by adding thereto Article 247a, providing for the issuance of attachments in suits founded in tort and upon unliquidated demands, and providing for the fixing of the amount of bond in such cases, and declaring an emergency," with engrossed rider.

The House concurs in Senate amendments to House bill No. 39.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILLS ON FIRST READING.

The Chair, President Pro Tem. Carter, referred, after their captions had been read, the following House bills:

House bill No. 38, referred to Committee on Towns and City Corporations.

House bill No. 44, referred to Committee on Agricultural Affairs.

House bill No. 46, referred to Judiciary Committee No. 1.

House bill No. 63, referred to Committee on Federal Relations.

House bill No. 61, referred to Committee on Educational Affairs.

House bill No. 17, referred to Judiciary Committee No. 1.

House bill No. 65, referred to Committee on Educational Affairs.

House bill No. 57, referred to Judiciary Committee No. 2.

House bill No. 73, referred to Committee on Roads, Bridges and Ferries.

House bill No. 77, referred to Committee on Roads, Bridges and Ferries.

House bill No. 87, referred to Committee on Educational Affairs.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

Senate Concurrent Resolution No. 5  
Relating to Pan-American Exposition,  
with amendments.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### SENATE BILL NO. 39.

The Chair laid before the Senate, on second reading, and special order for this hour,

Senate bill No. 39, A bill to be entitled "An Act providing for the construction of necessary buildings for the University of Texas; for raising the necessary funds for such purpose by the creation of the University of Texas building fund; prescribing certain duties for carrying into effect the provisions of this act of the Governor of the State, the Attorney General, the Superintendent of Public Instruction, the president of the University of Texas and the president of the board of regents of the University of Texas, and declaring an emergency."

There being a favorable majority committee report and an adverse minority committee report,

Senator Warren moved the adoption of the majority committee report.

Senator Astin moved, as a substitute, that the minority report be adopted.

Pending discussion, Senator Wiley moved the previous question on the pending motions, which motion being duly seconded, was so ordered.

Action recurred on the motion to adopt the minority report and the same was lost by the following vote:

Yeas—2.

Astin.

McNealus.

Nays—22.

Bailey of Harris.

McGregor.

Brelsford.

Morrow.

Carter.

Nugent.

Collins.

Taylor.

Cowell.

Terrell.

Darwin.

Townsend.

Gibson.

Warren.

Greer.

Watson.

Harley.

Westbrook.

Hudspeth.

Wiley.

Lattimore.

Willacy.

Absent.

Bailey of De Witt. Oliver.

Conner.

Absent—Excused.

Clark.

Real.

Johnson.

The majority committee report was then adopted.

Senator Warren offered the following amendments, separately, which were read and adopted:

(1)

Amend the bill in Section 2 thereof by striking out the figures "1928" and insert in lieu thereof the figures "1943."

(2)

Amend the bill in Section 3 thereof by striking out the words "two million dollars (\$2,000,000)," in line 3 of said section, inserting in lieu thereof "three million dollars (\$3,000,000);" and also by striking out the figures "1929," and inserting in lieu thereof, the figures "1944."

Senator Warren offered the following amendment:

Amend the bill by striking out all of Section 4 and inserting in lieu thereof the following:

"Sec. 4. The University of Texas building fund certificates herein provided for shall be divided in the following manner: Two million dollars of said certificates shall be delivered to the board of regents of the University of Texas and one million dollars thereof shall be placed in the State Treasury to the credit of the account of the Agricultural and Mechanical College of this State and Prairie View Normal College of this State; that two million dollars in certificates delivered to the board of regents of the University of Texas may be sold by said board as they desire in the open market for not less than par and accrued interest; or they may be purchased by the State Board of Education for the benefit of the public school fund of the State; the State shall be responsible for all such investments of the public school fund. The one million dollars in certificates places to the credit of the Agricultural and Mechanical College and the Prairie View Normal may be upon demand of the board of directors of the Agricultural and Mechanical College, delivered to said board and by them sold in the open market for not less than par and accrued interest, or they may be purchased by the State Board of Education for the benefit of the public school fund of the State, and the funds realized from such sale shall be placed in the State Treasury to the credit of the Agricultural and Mechanical College and Prairie View Normal College, to be afterwards by this or a succeeding Legislature appropriated to the Agricultural and Mechanical College now located at College Station, Texas, and the Prairie View Normal College of Prairie View, Texas, for building purposes in such amounts as the Legislature may hereafter prescribe."

Senator Astin offered the following amendment to the amendment:

Amend the amendment, Section 4, by striking out the words "Prairie View

Normal College" wherever they appear in said section.

Senator Harley moved to table the amendment to the amendment, which motion was adopted.

Senator Astin offered the following amendment to the amendment:

Amend the amendment, Section 4, line 25, by striking out all after the word "College" and in lieu thereof add the following: "now located at College Station, Texas."

On motion of Senator Harley, the amendment to the amendment was tabled.

Senator Astin offered the following amendment to the amendment:

Amend the amendment, Section 4, by striking out all after the word "dollars" in line 5, down to the word "Agricultural," and insert in lieu thereof "of said certificates shall be delivered to the Board of Directors of the."

On motion of Senator Harley, the amendment to the amendment was tabled.

Senator Astin offered the following amendment to the amendment:

Amend the amendment, Section 4, by adding at the end thereof the following: "Providing that the two million acres of the University land or endowment fund, and the proceeds thereof, shall be divided between the University and the Agricultural and Mechanical College, and at least one-third thereof in value shall be turned over to the Board of Directors of the A. and M. College for the use and benefit of said College."

On motion of Senator Warren, the amendment to the amendment was tabled.

Senator Nugent offered the following amendment to the amendment, which was read and adopted:

Amend the amendment to Section 4 by adding thereto the following: "Provided, that in the matter of purchase of said bonds by the school fund preference shall first be given to public free school bonds of the State issued for the purpose of building common free school buildings."

The amendment, as amended, was adopted.

Senator Warren offered the following amendment:

Amend the bill in Section 6 thereof by striking out said section and inserting in lieu thereof the following:

"Sec. 6. All funds which accumulate in the University of Texas building fund in excess of the amount necessary to pay the annual interest thereon shall be and

is hereby constituted a special sinking fund for the liquidation of the principal of the three million dollars certificates issued under this act, and said fund shall be from time to time invested by the State Board of Education in securities bearing at least five per cent interest per annum; the class of securities in which the Board of Education is authorized to invest said sinking fund from time to time as it accumulates is as follows:

(a) In bonds of the United States or any of the States of the United States which are at or above par and upon which the interest has never been defaulted.

(b) In bonds or first liens on unencumbered real estate in this State, provided in each instance such real estate shall be worth at least twice the amount loaned thereon; and if the buildings on said real estate are considered as a part of the value of the same, then such buildings must be insured for the benefit of said sinking fund. All obligations, when necessary, may be made payable to the University of Texas building fund.

(c) In bonds or other interest-bearing indebtedness of any county, incorporated city, town, school or district within this State, provided that such bonds or evidence of indebtedness are issued by authority of law and that interest upon the same has never been defaulted. The proceeds of the two million dollars certificates delivered to the Board of Regents of the University when obtained, shall be deposited in the Treasury as hereinbefore provided and so much of the same as may not be immediately necessary for the purpose of paying the expenditures authorized under this act may be by the State Treasurer deposited in some of the State depositories under the terms and provisions of law, and the interest thereon, after the same is paid, shall be added to and paid into the sinking fund herein provided for."

Senator Astin offered the following amendment to the amendment:

Amend the amendment in subdivision (b) of Section 6, after the word "Texas" in the last line, by adding "and Agricultural and Mechanical College."

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**SENATE CONCURRENT RESOLUTION  
NO. 5—HOUSE AMENDMENTS  
CONCURRED IN.**

Senator Bailey of Harris called up Senate Concurrent Resolution No. 5 and moved that the Senate concur in the following House amendment:

Amend Senate Concurrent Resolution No. 5, page 1, line 15, by striking out the words "five persons" and inserting in lieu thereof the words "three men and two women."

The amendment was read, and the motion to concur prevailed.

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**RECESS.**

On motion of Senator Bailey of Harris, the Senate, at 12:45 o'clock p. m., recessed until 3 o'clock today.

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**AFTER RECESS.**

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

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**SENATE BILL NO. 39.**

(Pending Business.)

Action recurred on the pending business, Senate bill No. 39, the question being on the pending amendment by Senator Astin to the amendment by Senator Warren.

Senator Harley moved to table the amendment to the amendment, which motion to table prevailed.

The amendment by Senator Warren was then adopted.

Senator Warren offered the following amendment:

Amend the caption of the bill by inserting after the word "act" and before the words "and declaring an emergency," the following: "Also providing that a portion of the certificates authorized to be issued shall be set aside to the Agricultural and Mechanical College and Prairie View Normal College of the State of Texas; and providing that the certificates issued under this act may be used as investments for certain corporations, trust funds and for the sinking funds created by the State to liquidate securities of the State or any of its departments or any of the counties, cities, districts or municipalities authorized by law to incur indebtedness; and providing that the sinking fund created by law of railroad and other corporations may be invested in said certificates."

Senator Warren moved the previous question on the amendment and the bill, which motion being duly seconded, was so ordered.

The amendment was then adopted.



The bill, having been read, was passed to engrossment.

On motion of Senator Warren, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Lattimore.	Willacy.
McGregor.	

Nays—3.

Astin.	Terrell.
Conner.	

Absent.

Gibson.

Absent—Excused.

Clark.	Real.
Johnson.	

The bill was read third time and passed by the following vote:

Yeas—16.

Bailey of Harris.	McGregor.
Brelsford.	Morrow.
Carter.	Nugent.
Collins.	Taylor.
Darwin.	Townsend.
Greer.	Warren.
Harley.	Watson.
Hudspeth.	Willacy.

Nays—7.

Astin.	Terrell.
Conner.	Westbrook.
Lattimore.	Wiley.
Oliver.	

Present—Not Voting.

Bailey of De Witt.	McNealus.
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Absent.

Cowell.	Gibson.
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Absent—Excused.

Clark.	Real.
Johnson.	

Senator Warren moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House does not concur in Senate amendments to House bill No. 40, and requests the appointment of a Free Conference Committee. The following on the part of the House have been appointed: Burmeister, Rowell, Fountain, Crisp and Bruce.

Mr. Burmeister has been appointed to take the place of Mr. Wagstaff on Free Conference Committee on House bill No. 18.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

## HOUSE BILL NO. 73.

Senator Bailey of Harris moved that the regular order of business, Senate bill No. 10, be suspended and that the Senate take up, out of its order, House bill No. 73.

The motion prevailed by the following vote:

Yeas—25.

Bailey of DeWitt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Lattimore.	Willacy.
McGregor.	

Nays—1.

Astin.

Absent.

Conner.

Absent—Excused.

Real	Johnson.
Clark.	

On motion of Senator Bailey of Harris, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 73 put on its second reading by the following vote:

Yeas—26.

Astin.	Bailey of Harris.
Bailey of De Witt.	Brelsford.

Carter.	Morrow.
Collins.	Nugent.
Cowell.	Oliver.
Darwin.	Taylor.
Gibson.	Terrell.
Greer.	Townsend.
Harley.	Warren.
Hudspeth.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent.

Conner.

Absent—Excused.

Clark.

Real.

Johnson.

The Chair laid before the Senate, on second reading,

House bill No. 73, local road law for Galveston county, and declaring an emergency.

The Senate rule requiring reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bailey of Harris, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Lattimore.	

Absent—Excused.

Clark.

Real.

Johnson.

The bill was read third time and passed by the following vote:

Yeas—27.

Astin.	Bailey of Harris.
Bailey of De Witt.	Brelsford

Carter.	Morrow.
Collins.	Nugent.
Conner.	Oliver.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Harley.	Watson.
Hudspeth.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent—Excused.

Clark.

Real.

Johnson.

Senator Bailey of Harris moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 29.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 29, A bill to be entitled "An Act making appropriations to pay various miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this act, making appropriations for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and declaring an emergency."

The committee report, with (committee) amendments, and that the bill be not printed, was adopted.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the caption by striking out the words and figures "and for emergencies occurring during the fiscal year ending August 31, 1913, and declaring an emergency," and insert in lieu thereof the following: "and for emergencies occurring during the years ending August 31, 1914, and August 31, 1915, and declaring an emergency."

Senator Hudspeth, offered the following amendment, which was read and adopted:

Amend the bill, page 399 of Senate Journal, by adding after the item "to pay W. J. Matthews," the following: "To pay George Harper, ex-tax collector of El Paso county, the sum of \$99.45 as refund excess taxes paid Comptroller in the year 1909 and in the year 1910."

Senator Wiley offered the following amendment, which was read and adopted:

Amend the bill as amended by insert-  
inserting the following after last item  
in bill:

Adjutant General's Department.

Miscellaneous accounts due by the Ad-  
jutant General's Department:

To pay—

Hauling freight, H. W. Kin- nard .....	\$ 1 75
Lloyd Mitchell, hauling freight	3 00
W. L. Gee, Co. G, 2nd Inf. hauling freight .....	8 00
Hillsboro Transfer .....	4 00
Captain J. T. Wakefield, Sher- man .....	4 00
J. B. Harris, hauling freight..	5 00
D. J. Matthews, hauling bag- gage .....	10 00
H. A. Baker, mustering out company and returning equipment .....	34 05
Waters Pierce .....	11 42
J. E. Taulman .....	11 10
Western Union (April, May, June and July) .....	102 69
Tobin Bros. ....	211 69
United Telephone Co.....	6 85
J. S. Swift .....	20 00
Gulf Refining Co.....	4 70
C. M. Miller .....	11 60
Jos. Stumpf .....	4 00
Calcasieu Lumber Co.....	3 00
Waterworks and Power Plant	21 33
Water and Power Plant.....	14 28
D. W. Spurlock, hauling.....	1 45
Model Steam Laundry.....	32 75
Western Union .....	13 95
M., K. & T. Ry.....	26 55
S. W. Tel. Co.....	128 80
M., K. & T. Ry.....	201 52

Total .....\$897 48

The bill was read second time and  
passed to a third reading.

On motion of Senator Willacy, the  
constitutional rule requiring bills to be  
read on three several days was suspend-  
ed and the bill put on its third reading  
and final passage by the following vote:

Yeas—23.

Astin.	Gibson.
Bailey of De Witt.	Greer.
Bailey of Harris.	Harley.
Brelsford.	Lattimore.
Carter.	McNealus.
Collins.	Morrow.
Conner.	Nugent.
Cowell.	Oliver.
Darwin.	Terrell.

Townsend.  
Watson.  
Westbrook.

Wiley.  
Willacy.

Absent.

Hudspeth.  
McGregor.

Taylor.  
Warren.

Absent—Excused.

Clark.  
Johnson.

Real.

The bill was read third time and  
passed by the following vote:

Yeas—23.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Wiley.
Harley.	Willacy.
Lattimore.	

Nays—1.

Westbrook.

Present—Not Voting.

Morrow

Absent.

Bailey of Harris. Hudspeth.

Absent—Excused.

Clark. Real.  
Johnson.

Senator Willacy moved to reconsider  
the vote by which the bill was passed,  
and lay that motion on the table.

The motion to table prevailed.

## FREE CONFERENCE COMMITTEE REPORT.

By Senator Taylor:

Committee Room,  
Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the  
Senate, and Hon. Chester H. Terrell,  
Speaker of the House of Representa-  
tives.

Sirs: Your Conference Committee, to  
whom was referred the differences of the  
two houses on Senate bill No. 3, by  
Taylor, relating to the election of United  
States Senators, have had the same

under consideration, and beg leave to make the following report, to-wit:

As a working basis, we took House bill No. 4 on the same subject, and after making certain corrective amendments in the House bill, which were necessary, we made the following additions, taken from the Senate bill:

1. Adding to Section 3, after the word "act," the following:

"The returns from any election held for United States Senator shall be made, the result ascertained and declared; a certificate of election issued, and as provided for the election of Representatives to the Congress by Chapter 7, Title 49, Revised Civil Statutes of 1911."

2. We added Section 8 of the Senate bill as follows:

"Sec. 8. Any candidate who desires his name to appear on the official ballot for a special primary as a candidate for the nomination of such party for the office of United States Senator shall file with the State Chairman of his party, not later than thirty (30) days prior to the date of such primary, his written request that his name be placed upon such official ballot as a candidate for the nomination of United States Senator, giving his age and occupation, the county of his residence and postoffice address, which shall be signed by him and acknowledged by him before some officer, and also twenty-five (25) qualified voters may likewise join in a request that the name of any person affiliating with such party be placed upon the official ballot as a candidate for United States Senator, giving the occupation, county of residence and postoffice address of such person, signing and acknowledging same as above provided, and may file the same with the State Chairman within the time above mentioned with the same effect as if such request had been filed by the party named therein as a candidate for such nomination. And the chairman and secretary of the State committee shall forthwith cause to be mailed to the chairman and secretary of every county committee of the party in the State the name of such candidate for United States Senator, with instructions that it be placed on the official ballot of such county. All request shall be considered filed with the State chairman when they are sent from any point within the United States by registered mail, addressed to the State chairman at his postoffice address. On the first Saturday following such special primary election, the county executive committee of

each county in the State shall meet and canvass the returns of such election, and shall immediately thereafter certify by its chairman and secretary the result of said election and forward same to the State Chairman. The State Executive Committee shall meet at a time not later than fifteen (15) days after the date of said special primary and canvass and tabulate the returns of said election as certified by the county chairman, and the candidate receiving a majority of the votes cast at such primary shall be the nominee of the party for such office; and the State Chairman shall order the name of such candidate placed upon the official ballot of said party."

4. We added the following:

"Provided, however, if at the first primary election no candidate receives a majority of the votes polled by his party for all the candidates for United States Senator before said party, the State Executive Committee or State Chairman thereof shall call a second primary election for the purpose of determining the choice of the party as between the two candidates receiving the largest number of votes at the first primary election. Said second primary shall be held on the third Saturday following the first primary, and, at such second primary, only the two candidates in each party receiving the highest votes shall be voted upon.

"Sec. 30. When there are two Senators to be elected from Texas to the Congress of the United States, each candidate offering his name for election shall designate in his application for a position on the ticket whether in a general or special election or primary whether he is a candidate for the short or long term.

"Sec. 40. Emergency clause"

4. We added a provision providing for a second primary in special elections. This necessitated amending Sec. 2 of the House bill so that the Governor could call an election in not less than sixty days nor more than ninety days. It is absolutely necessary to make this change if we have majority nominations where vacancies occur and special elections are held to fill them.

5. As adopted, the House bill carried with it a provision allowing \$2000 additional expense where there was a second primary. The amount for the second primary is reduced by the accompanying bill to \$1000.

We respectfully submit that the ac-

companying substitute for the two bills shall be adopted.

TAYLOR,  
WARREN,  
COLLINS,  
BRELSFORD,  
HUDSPETH,  
On the part of the Senate.  
KENNEDY,  
DOVE,  
MILLS,  
HUNTER,  
KIRBY,  
On the part of the House.

The above report was read and adopted by the following vote:

Yeas—22.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Collins.	Oliver.
Conner.	Taylor.
Cowell.	Townsend.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Lattimore.	Willacy.

Nays—1.

Darwin.

Absent.

Bailey of Harris.	Terrell.
Gibson.	Warren.

Absent—Excused.

Clark.	Real.
Johnson.	

#### REASON FOR VOTE.

I do not favor the strict and rigid limitations placed upon candidates for United States Senator and their friends in the expenditure of campaign funds, for the following reasons:

First. Because I believe in educational campaigns, and no man can properly inform the people as to his views, or reach the people for full and free discussion of issues, for the amount named in the bill, unless people supporting such candidate may exercise the right to bear many such expenses, which a free people ought to have the right to do.

Second. Because the freedom and liberty of the people to actively support the candidate of their choice and to bear, themselves, without any element of fraud or evil, legitimate campaign expenses are so restricted and limited as

to destroy one of the greatest rights of the people.

However, the right of the people to elect their United States Senators by popular vote is so much more important than any detail, and it being the declared policy of our Democratic party to so elect our United States Senators, I vote "yea."

NUGENT.

#### SENATE BILL NO. 57.

On motion of Senator Harley, the constitutional rule requiring bills to be read on three several days was suspended and Senate bill No. 57 put on its second reading by the following vote:

Yeas—23.

Astin.	McNealus.
Bailey of De Witt.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Lattimore.	

Absent

Bailey of Harris.	McGregor.
Gibson.	Watson.

Absent—Excused.

Clark.	Real.
Johnson.	

The Chair laid before the Senate, on second reading,

Senate bill No. 57, relating to Gonzales Independent School District, and declaring an emergency.

The Senate rule requiring committee reports to live over for one day was suspended for the purpose of considering this bill. (See Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Harley, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:



## Yeas—27.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Lattimore.	

Absent—Excused.

Clark.	Real.
Johnson.	

The bill was read third time and passed by the following vote:

## Yeas—27.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Lattimore.	

Absent—Excused.

Clark.	Real
Johnson.	

Senator Harley moved to reconsider the vote by which the bill was passed and to lay that motion on the table.

The motion to table prevailed.

## EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, August 16, 1913.

To the Senate:

I ask the advice and consent of the Senate to the appointment of the following named persons as notaries public in the counties named:

Travis County—Warren W. Moore, Austin; Percy McDannell, Austin; A. M. Schrader, Austin; A. D. Williams, Creedmoor; W. L. Hartung, Austin; G. B. Rogers, Austin; Richard Corner, Austin; L. F. Shelton, Austin; Miss Addie

N. McCellan, Austin; Miss Mamie Sligar, Austin.

Dallas County—J. W. Kincaid, Dallas; H. N. Howell, Dallas; J. J. Stein, Dallas.

Galveston County—T. S. Russell, Galveston, Richard C. Walker, Galveston.

Harris County—G. H. Stubblefield, Houston; Otto T. Schuddemagen, Houston.

Ellis County—King Chas. Gaston, Ennis.

Bee County—Chas. Troy, Beeville; J. F. Dibrell, Skidmore; W. B. Soyars, Skidmore; J. P. Nedbalek, Skidmore; R. W. Sparks, Skidmore; D. G. Madray, Skidmore.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

## HOUSE BILL NO. 44.

On motion of Senator Lattimore, House bill No. 44 was made a special order for next Monday morning immediately after the morning call.

## HOUSE BILL NO. 63.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 63 was put on its second reading by the following vote:

## Yeas—27.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Lattimore.	

Absent—Excused.

Clark.	Real.
Johnson.	

The Chair laid before the Senate on its second reading,

House bill No. 63, A bill to be entitled "An Act authorizing the city of Nacogdoches to sell to the United States certain lands, and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was sus-

pending for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Lattimore.	

Absent—Excused.

Clark.	Real.
Johnson.	

The bill was read third time and was passed by the following vote:

Yeas—27.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Lattimore.	

Absent—Excused.

Clark.	Real.
Johnson.	

Senator Collins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 46.

On motion of Senator Carter, the constitutional rule requiring bills to be read

on three several days was suspended and House bill No. 46 was put on its second reading by the following vote:

Yeas—22.

Bailey of De Witt.	Lattimore.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Westbrook.
Greer.	Wiley.
Harley.	Willacy.

Nays—1.

Townsend.

Present—Not Voting.

McNealus.

Absent.

Astin.	McGregor.
Hudspeth.	

Absent—Excused.

Clark.	Real.
Johnson.	

The Chair laid before the Senate, on its second reading,

House bill No. 46, A bill to be entitled "An Act relating to development of minerals on public lands."

The Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Carter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Astin.	Lattimore.
Bailey of De Witt.	Morrow.
Bailey of Harris.	Nugent.
Brelsford.	Oliver.
Carter.	Taylor.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Westbrook.
Greer.	Wiley.
Harley.	Willacy.
Hudspeth.	

## Present—Not Voting.

McNealus.

Absent.

McGregor.

Absent—Excused.

Clark.

Real.

Johnson.

The bill was read third time and was passed by the following vote:

## Yeas—19.

Bailey of De Witt.	Lattimore.
Brelsford.	Morrow.
Carter.	Nugent.
Conner.	Oliver.
Cowell.	Terrell.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Wiley.
Harley.	Willacy.
Hudspeth.	

## Nays—4.

Collins.	Townsend.
Taylor.	Westbrook.

## Present—Not Voting.

McNealus.

Absent.

Astin.

McGregor.

Bailey of Harris.

Absent—Excused.

Clark.

Real.

Johnson.

Senator Carter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 46.

(Pending Business.)

The Chair laid before the Senate, as pending business, Senate bill No. 46, action being on the pending amendment by Senator Watson, and the same was withdrawn.

Senator Watson offered the following amendment:

Amend the bill as printed in the Journal, Article 7435, page 384, in the fourth (4th) line from the bottom in column 1, by inserting the word "before" between the words "and" and "the," the word "before" and amend the bill, same page, line 11, in second column, by adding after the word "week" the following: "or after 12 o'clock midnight and

between that hour and 5 o'clock a. m. of the following morning of any week day."

Amend the bill, same page and column, line 25, by adding after the word "week" the following: "or after 9:30 o'clock p. m., and between that hour and 6 o'clock a. m. of the following morning of any week day."

Amend the bill, page 385, of the Journal, line 4, column 1, after the word "week" the following: "or after 9:30 o'clock p. m. and between that hour and 6 o'clock a. m. of the following morning of any week day."

Senator Townsend offered the following substitute for the amendment:

## Substitute for Article 7435.

Any person or persons other than a corporation, or club, of any kind, or character, desiring to obtain a retail liquor dealer's license in this State, or a retail malt dealer's license, shall, before filing a petition for such license with the county judge as provided by this act, make application under oath to the Comptroller of Public Accounts of this State for a permit to apply for a license to engage in such business, which application shall be in form substantially as follows:

To the Comptroller of Public Accounts:

I, or we, \_\_\_\_\_ and \_\_\_\_\_, of the county of \_\_\_\_\_, State of Texas, do hereby apply for a permit to apply for a license to engage in the business of retail liquor dealer, or dealers (or retail malt dealer or dealers), under the laws of this State, said business to be conducted at No. \_\_\_\_\_ Street \_\_\_\_\_, in the incorporated city or town of \_\_\_\_\_, justice precinct No. \_\_\_\_\_, in the county of \_\_\_\_\_, State of Texas; that the house where such business is to be conducted is not a place where any lodge, club, society or association meets or holds any of its meetings nor is it situated upon the premises of any club, lodge, association or society; that it is not within two miles of the city limits of any incorporated city or town, if outside the limits of said incorporated city or town; that there is now no statute or ordinance of the city in force prohibiting the retail sale of liquors in said place; that I, or we, have resided for the past two years in \_\_\_\_\_ county, State of Texas, and during said time have engaged in the business of \_\_\_\_\_; that I am, or we are, bona fide American citizens in possession of final naturalization papers, if foreign born, not disqualified under the laws of this State

from engaging in the proposed business, and that no other person or corporation is in any manner interested in or to be interested in the proposed business, and that I, or we, since the eleventh day of July, A. D. 1913, have not, as owner, nor as representative, agent or employe of any other person, kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication were sold, nor aided nor advised any other person in selling in or near any such house or place of business, any such liquor after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. of the following Monday morning of any week, or after 9:30 p. m., and between that hour and 6 o'clock a. m. the following morning of any week day, nor have I, or we, since that day, either in person or by agent or employe, sold or permitted to be sold or given away, in or near, any such house or place of business any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication to any person under the age of twenty-one years, or to any student of any institution of learning or to any habitual drunkard, after having been notified in writing through the sheriff or other peace officer, by the wife, sister, brother, father, mother, son or daughter of any such person, not to sell to such habitual drunkard; or permitted any person under the age of twenty-one years to enter and remain in such house or place of business; or permitted any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rented or let any part of the house or place of business in which said business was conducted, to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or sold or given away any adulterated or impure liquors of any kind, or sold or permitted to be sold, aided or advised in selling under a retail malt dealer's license, any other liquors than those defined by the laws as "malt liquors."

And if the permission herein sought to be granted and the said retail license be issued, I, or we, will not, either in person or by agent, employe or representative during the year for which such license shall run, keep open house or place where liquor shall be sold under such license, or transact any business in such house or place of business after 9:30 o'clock p. m. on Saturday and be-

tween that hour and 6 o'clock a. m. on the following Monday of any week, or after 9:30 p. m. and between that hour and 6 o'clock a. m. the following morning of any week day; or sell in or near any such place of business or give away or permit to be given away any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication to any person under the age of twenty-one years, or to any student of any institution of learning, or to any habitual drunkard, after having been notified in writing by the wife, mother, father, daughter, son or brother or sister not to sell such habitual drunkard; or permit any person not over the age of twenty-one years to enter and remain in such house or place of business; or permit any game prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rent or let any part of the house or place of business in which such business is conducted to any person or persons, for the purpose of conducting any game or games prohibited by the laws of this State; or sell or give away impure liquor or adulterated liquors of any kind; and if the application be for a retail "malt dealer's" license, it shall further state that he or they, under the said license, will not sell any other liquors than those defined by law as "malt liquors" or sold or given away or permitted to be sold, aided or advised in selling or giving away any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication on any election day; or sold either in person or by agent, representative or employe, any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, to any house of ill fame, house of prostitution, house of assignation, or to any landlord, landlady, inmate, porter or employe thereof to be drunk in or about such house of ill fame, house of prostitution, house of assignation, or permit any prostitute or woman of ill fame to enter or remain in or about such house or place of business; or rent or sub-rent any part of such house or place of business to any woman or women of ill fame; or permit any door, window or other open communication between my place of business and any adjoining house or room on either side of my said place of business.

And it is hereby agreed that if the license to be applied for is issued it shall be upon the condition that it shall remain in force only so long as I, or we,

observe and carry out each and all of the statements herein made; and in the event I, or we, violate any of the promises to do or perform any one or more of the acts which it is herein declared shall not be done, or that we shall violate any law of the State of Texas, or any ordinance of any city, regulating the sale of intoxicating liquors, that either the county judge or the Comptroller of Public Accounts of the State of Texas, in the manner provided in this act, may rescind, cancel and annul the said State and county license granted in pursuance of this application and that all moneys paid for such license shall be forfeited to the State and county or city to whom paid; and that I, or we, will at once, upon the cancellation of such license, close up the place where such business is being conducted, and cease to do such business, and will not again, either as owner, agent, representative or employe of any other person, attempt to enter into or engage in the retail liquor business, unless the order of the Comptroller canceling and rescinding such license shall be annulled in case such license shall have been canceled by the Comptroller.

Sworn to and subscribed before me, a notary public within and for the county of..... State of Texas, by....., on this the.....day of....., A. D. 191...

(L. S.)

(Signature of officer.)

That upon receiving such application it shall be the duty of the Comptroller to file the same and keep it as a permanent record in his office, to examine and act upon the same, and if he is satisfied that such applicant is entitled to such permit, and that he is a law-abiding, property and poll tax paying citizen of the State of Texas, and in possession of his final naturalization papers, if a foreign born citizen, he shall, upon the payment to him by the applicant of \$2, issue to him such permit, under his hand and the seal of his office, which, together with a copy of such application, duly certified to under the hand and seal of the Comptroller, shall be delivered by him to the applicant, and the said permit, together with the certified copy of said application, shall be filed with the county judge, together with a petition for license to be filed with the county judge, and shall remain a permanent record in the office of the county judge, and no petition for

license shall be entertained or granted by the county judge until said certified copy and permit have been filed with him by the applicant.

Senator Watson made the point of order upon the substitute offered by Senator Townsend for Article 7435 of the Revised Civil Statutes, that the substitute is out of order because it did not conform to the message of the Governor authorizing legislation to be considered at this called session; referring to the Governor's message dated August 12, Article 26, stating that by the message the Legislature was restricted to changing the civil law so that the hours therein might conform to the penal law.

The Chair ruled that the Governor having submitted amendments to Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of Texas cannot specifically limit the Legislature to such amendments as he may suggest, but thereby opens said articles to any amendments that the Legislature may see proper to make.

Senator Watson moved to table the substitute, which motion was adopted by the following vote:

Yeas—15.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	Nugent.
Conner.	Oliver.
Darwin.	Terrell.
Gibson.	Watson.
Harley.	Willacy.
Hudspeth.	

Nays—11.

Brelsford.	Taylor.
Carter.	Townsend.
Collins.	Warren.
Greer.	Westbrook.
Johnson.	Wiley.
McNealus.	

Absent.

Morrow.

Absent—Excused.

Real.

PAIRED.

Senator Cowell (present), who would vote "nay," with Senator Clark (absent), who would vote "yea."

REASON FOR VOTE.

I vote "yea" to table the amendment by Townsend for the reason that the amendment if adopted would defeat a 9:30 closing law that we are pledged to and ought to pass.

NUGENT.



The amendment by Senator Watson was adopted.

Senator Watson offered the following amendments separately, which were read and adopted.

(1) Amend the bill, Article 7442, page 385, in the sixteenth line from the bottom of column two by adding after the word "week" the following: "or after 9:30 p. m. and between that hour and 6 o'clock a. m. of the following morning of any week day."

(2) Amend the bill, page 286, column 1, line 6 from the bottom, Article 7451, as printed in the Journal, by adding after the words "six o'clock a. m." the following: "of the following morning."

(3) Amend the bill as printed in the Journal, page 386, column 1, line 9 from the bottom, by adding after the word "week" the following: "or after 9:30 p. m. and between that hour and 6 o'clock a. m. of the following morning of any week day."

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on House bill No. 13 by the following vote: Yeas, 103, nays 4.

The House does not concur in Senate amendments to House bill No. 29, and requests a Free Conference Committee. The following members on the part of the House have been appointed: Messrs. Wortham, Hill, Kirby, Goodner, Woods of Navarro.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### SIMPLE RESOLUTION.

By Senator Hudspeth:

Whereas, The Hon. Marshall Hicks, formerly a distinguished member of this body and the only one who had the physical strength and moral courage to speak twenty-four hours without ceasing on this floor; therefore be it

Resolved, That he be invited to address the Senate and the courtesies be extended him.

HUDSPETH,  
WILLACY.

The resolution was read and adopted, and ex-Senator Hicks was escorted to the President's stand, and thanked the Senate for the courtesy.

#### HOUSE BILL NO. 29—FREE CONFERENCE COMMITTEE ON.

Senator Willacy offered the following motion.

"I move that the request of the House for Free Conference Committee on House bill No. 29 be granted, and that the following be appointed as conferees on part of the Senate: Senators Cowell, Brelsford, Collins, Lattimore and Hudspeth.

The above motion was read and adopted.

#### HOUSE BILL NO. 40—FREE CONFERENCE COMMITTEE ON.

Senator Conner made the following motion:

"I move that the following members of the Senate be appointed a Conference Committee on House bill No. 40: Senators Gibson, Nugent, Bailey of De Witt, Townsend and Watson.

The above motion was read and adopted.

#### SENATE BILL NO. 46.

(Pending Business.)

Action recurred on the pending business, Senate bill No. 46, the question being on engrossment.

(President Pro Tem. Carter in the chair.)

Pending discussion, Senator Wiley offered an amendment, which was adopted, but later moved to rescind the action on same, which motion prevailed.

The bill, having been read, was passed to engrossment.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	Darwin.
Bailey of De Witt.	Gibson.
Bailey of Harris.	Greer.
Brelsford.	Harley.
Carter.	Hudspeth.
Collins.	Johnson.
Conner.	Lattimore.
Cowell.	McGregor.

McNealus.	Warren.
Nugent.	Watson.
Oliver.	Westbrook.
Taylor.	Wiley.
Terrell.	Willacy.
Townsend.	

Absent.

Morrow.

Absent—Excused.

Clark.

Real.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Collins.	Oliver.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.

Absent—Excused.

Clark.

Real.

Senator Lattimore moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 36.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 36, local road law for Kaufman county.

The committee report was adopted.

Senator Warren offered the following amendments, separately, which were read and adopted:

Amend Section 1 of the bill by striking out all of Section 1 and insert in lieu thereof the following:

Section 1. That Sections 2 and 12 of "An Act to authorize and empower Kaufman county, or any political subdivision of said county, by a vote of a two-thirds majority of the resident property tax payers, qualified voters of said county, or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the

assessed valuation of the real property of such county, or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes and prescribing ways and means of conducting and supervising such work," be repealed, and that Sections 8, 9 and 40 of said act be amended so that said sections respectively of said act adopted at the Regular Session of the Thirty-third Legislature shall hereafter read as follows:

Sec. 2. Section 2 of said act is hereby repealed.

Section 8. Bonds issued under the provisions hereof shall bear interest not to exceed 5 per cent annually and shall mature and become due and payable at not exceeding forty years from the date of issuance, and the county shall reserve the option of redemption at face value and accrued interest at any interest paying period after ten years from the date of issuance thereof; and the time of maturity and the privilege of option shall be stated in the face of such bonds; such bonds shall be passed upon and approved by the Attorney General and registered by the Comptroller of Public Accounts of the State, as in the case of county bonds issued under the general laws of this State, and said bonds shall not be sold for less than par and accrued interest.

Section 9. It shall be the duty of the commissioners court at the same time it makes its order for the issuance of any bonds hereunder, and annually thereafter to levy a tax sufficient to pay the interest on such bonds and produce a sinking fund sufficient to pay the bonds at maturity, upon all property, real, personal, tangible or intangible, situated, held or owned within such county, or political subdivision, which tax when collected shall be sued only as hereinafter provided.

Section 12. Section 12 of said act is hereby repealed.

Section 40. The provisions of this act are and shall be held and construed as cumulative of all general laws of the State of Texas on the subjects treated of herein, and of the special road laws of Kaufman county.

Sec. 2. The crowded condition of the calendar, and the near approach of this session of the Legislature, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several

days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Amend the caption of the bill by striking out all after the words "A bill to be entitled" and insert in lieu thereof the following: "An Act to repeal Sections 2 and 12 of an act to authorize and empower Kaufman county, or any political subdivision of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of said county, or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county, or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising such work, and to amend Sections 8, 9 and 12, respectively, of said act as adopted at the Regular Session of the Thirty-third Legislature of 1913, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Warren, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Collins.	Oliver.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.

Absent—Excused.

Clark. Real.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Brelsford.
Bailey of De Witt.	Carter.
Bailey of Harris.	Collins.

Conner.	Morrow.
Cowell.	Nugent.
Darwin.	Oliver.
Gibson.	Taylor.
Greer.	Terrell.
Harley.	Townsend.
Hudspeth.	Warren.
Johnson.	Watson.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent—Excused.

Clark. Real.

Senator Warren moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

MOTION RELATIVE TO ADJOURNMENT.

Senator Westbrook made the following motion:

I move that when the Senate recess that we recess until 8 o'clock p. m., and that when we convene we consider only House bills and Senate local bills.

The motion was read and Senator McGregor moved to table the motion, which motion was lost.

Senator McGregor moved to amend the motion by "when the Senate do adjourn, that it be until 10 o'clock Monday morning."

Action recurred on the amendment, and the same was adopted by the following vote:

Yeas—14.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Oliver.
Cowell.	Warren.
Gibson.	Wiley.
Hudspeth.	Willacy.

Nays—12.

Carter.	Nugent.
Collins.	Taylor.
Darwin.	Terrell.
Greer.	Townsend.
Johnson.	Watson.
Lattimore.	Westbrook.

Absent.

Conner. Harley.

Absent—Excused.

Clark. Real.

The motion, as amended, was adopted.

## HOUSE BILL NO. 87.

On motion of Senator Gibson, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 87 put on its second reading by the following vote:

Yeas—26.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Lattimore.	Willacy.

Absent.

Conner. Harley.

Absent—Excused.

Clark. Real.

The Chair laid before the Senate, on second reading,

House bill No. 87, amending Riding Common School District in Fannin county.

The Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Gibson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Lattimore.	Willacy.

Absent.

Conner. Harley.

Absent—Excused.

Clark. Real.

The bill was read third time and passed by the following vote:

Yeas—27.

Astin.	McGregor.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.
Lattimore.	

Absent.

Conner.

Absent—Excused.

Clark. Real.

Senator Gibson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## ADJOURNMENT.

Senator Terrell asked unanimous consent for consideration of Senate bill No. 41, and there was objection, and

Senator Terrell moved that the regular order of business, Senate bill No. 10, be suspended and that the Senate take up, out of its order, Senate bill No. 41.

Pending discussion,

Senator Lattimore, at 6:45 o'clock p. m., moved that the Senate adjourn until 10 o'clock Monday morning, which motion was adopted.

## APPENDIX.

## BILLS SIGNED BY THE CHAIR.

The Chair, Lieutenant Governor Mayes, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 26, "An Act to amend

Article 6002, Title 97, Revised Statutes of Texas, 1911, providing for the appointment of notaries public, and declaring an emergency."

House bill No. 72, "An Act to amend and re-enact Article 5585 and Article 5588, Title 83, Chapter 3, of the Revised Civil Statutes of Texas, relating to seawalls and breakwaters, and declaring an emergency."

House bill No. 27, "An Act to amend Title 76, Articles 5221, 5222, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232, 5233 and 5234, of the Revised Civil Statutes of 1911, concerning the management and control of the State Institution for the Training of Juveniles, and to add thereto Articles 5234a and 5234b.

### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, August 16, 1913.  
Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 49, A bill to be entitled "An Act amending Chapters 104 and 106 of the General Laws of the Regular Session of the Thirty-third Legislature so as to permit the use of the co-insurance clause in policies of insurance at the option of the assured or property owner, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WATSON, Chairman.

(Floor Report.)

Austin, Texas, August 13, 1913.  
Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 54, A bill to be entitled "An Act to validate certain settlement on and purchase of public free school land, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Westbrook, Collins, Brelsford, Wiley, Bailey of De Witt.

Committee Room,  
Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 51, A bill to be entitled "An Act to amend Article 611, Title 18, Chapter 1, of the Revised Civil Statutes of the State of Texas, relating to the maturities of county bonds, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MORROW, Chairman.

(Floor Report.)

Austin, Texas, August 16, 1913.  
Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 46, A bill to be entitled "An Act to amend Sections 3, 4 and 10 of Chapter 173 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, approved April 9, 1913, relating to the development of minerals in public lands,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Morrow, Chairman; Wiley, Carter, Greer, Watson, Brelsford, Hudspeth.

(Floor Report.)

Austin, Texas, August 16, 1913.  
Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Federal Relations, to whom was referred

House bill No. 63, A bill to be entitled "An Act authorizing the city of Nacogdoches, a municipal corporation, to sell the United States of America a portion of the Main plaza for a Federal building site, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Westbrook, Chairman; Oliver, Warren, Hudspeth.



(Floor Report.)

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 87, A bill to be entitled "An Act dividing Ridings Common School District No. 95, in Fannin county, Texas, into two common school districts, to be known as 'Ridings Common School District No. 95' and 'Finley Common School District No. 126,' by a line running east and west across said Ridings Common School District No. 95, so as to give to each of the newly created common school districts about an equal number of square miles of territory, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Darwin, Acting Chairman; Harley, Cowell, Astin, Gibson.

(Floor Report.)

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 52, A bill to be entitled "An Act to amend Article 632, Title 18, Chapter 2 of the Revised Civil Statutes of the State of Texas, relating to the issuance of road bonds, and declaring an emergency,"

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Taylor, Westbrook, Harley.

(Floor Report.)

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 73, A bill to be entitled "An Act to create a more efficient road system for Galveston county, Texas, and making county commissioners precinct road commissioners of their respective precincts; providing their compensation; defining their powers and duties, and declaring an emergency."

Have had same under consideration, and beg to report same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Taylor, Westbrook, Townsend, Morrow, Harley, McNealus.

Committee Room,

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 50, A bill to be entitled "An Act repealing Chapter 105 of the General Laws of the Regular Session of the Thirty-third Legislature,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WATSON, Chairman.

(Floor Report.)

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 65, A bill to be entitled "An Act creating the Belcher Independent School District in Montague county, Texas; defining its boundaries; providing for a board of trustees to manage and control public free schools within said district; divesting the city of Belcher of the control of its public free schools, and the title of all properties now held and used for public free school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws of this State, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Darwin, Acting Chairman; Cowell, Astin, Gibson, Harley, Wiley.

(Floor Report.)

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 57, A bill to be entitled "An Act creating the Gonzales Independ-

ent School District in Gonzales county, Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the city of Gonzales of the control of its public free schools, and the title of all property now held and used for public school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Darwin, Acting Chairman; Cowell, Wiley, Gibson, Astin, Harley.

(Floor Report.)

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 56, A bill to be entitled "An Act to change and prescribe the time for holding district court in the Thirty-eighth Judicial District of Texas, and to repeal all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Carter, Chairman; Bailey of Harris, Taylor, Nugent, Collins, Morrow.

(Floor Report.)

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 57, A bill to be entitled "An Act to amend Chapter 1, Title 11, of the Revised Civil Statutes of this State of 1911, relating to attachments, by adding thereto Article 247a, providing for the issuance of attachments in suits founded in tort and upon unliquidated demands, and providing for the fixing of the amount of bond in such cases, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Conner, Chairman; Oliver, Nugent, McGregor, Bailey of Harris, Westbrook, Brelsford, Townsend, Carter.

(Floor Report.)

Austin, Texas, August 14, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State of stocks of private, foreign and domestic corporations organized for profit which propose to increase their capital stock; and to regulate and supervise the sale and purchase in this State of stocks of private, foreign and domestic corporations being organized and hereafter organized or proposed to be organized for profit and to regulate and supervise the offering or contracting for sale and purchase of such stock of such corporation or proposed corporation, and to fix commission and promotion fees allowed to be and providing for service of process examining fees, and exempting certain corporations from the effect of this act; providing penalty for the violation of the provisions of this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

(1)

Amend the caption of the bill by striking out all after the words "A bill to be entitled" down to and including the word "emergency," and inserting in lieu thereof the following: "An Act to regulate and supervise the sale and purchase in this State of all stocks, bonds or other obligations, or private, foreign and domestic corporations or associations, in the organization and promotion thereof, organized or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stocks, bonds or other obligations of such corporations, proposed corporations or associations; defining 'promoters,' 'securities' and 'trustees,' fixing commission and promotion fees allowed to be charged; providing for examination fees; providing a penalty for the violation of the provisions hereof, exempting certain corporations, and declaring an emergency."

(2)

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. Every private corporation or association, foreign or domestic, which has been, is now being, may hereafter be, or attempted to be organized for profit, which shall, directly or indirectly, through itself, its agents or employees, or through any person or association of persons, holding companies, sale companies, all of which are hereinafter referred to and called "promoters"—in this State, sell or contract to sell any stocks or other obligations of such corporation, proposed corporation or association, all of which are hereinafter referred to as "securities" in the organization of which, or promotion thereof, any part of the proceeds to be derived therefrom are to be used, directly or indirectly, for the payment of any commission, promotion fee or organization fee, or other expenses incident, directly or indirectly, to the organization or promotion of such corporation or association, except attorney's fees, charter fees and permit fees, shall be subjected to this act.

Sec. 2. Such promoters shall, before offering for sale or contracting to sell, directly or indirectly, any securities for the purpose of organizing any corporation, foreign or domestic, or association under the laws of this State, make and enter into a contract with one or more banks, trust companies, or banks and trust companies, authorized to do business in this State, hereinafter referred to as trustee or trustees having a capital stock of not less than twenty-five thousand dollars, and which shall have been in business in this State for at least one year prior thereto, to act as trustee or trustees for the collection of all moneys or things of value for which such securities are sold or exchanged, and shall print, or cause to be printed, in addition to any other matter on such securities, the following: "All payments in cash for this security must be made to the (here name the trustee), located at (here give the exact location of such trustee), by check, draft or money order." And if property other than cash is taken or exchanged for said securities, such securities shall further state: "And all other property than cash taken in exchange for this security shall be payable to, transferred or conveyed to, this bank or trust company (as the case may be), as trustee." Such security shall also contain the written consent of the trustee to act as such trustee for the collection and distribution of all moneys or property for which this security is sold or exchanged, as follows: "We hereby agree to act as

trustee for the collection and distribution of all moneys or other property for which this security is sold" (to which must be written or printed in the name of the trustee).

Sec. 3. All agreements or contracts with any such trustee to act as such trustee must be in writing; and within five days after such agreement or contract is made such trustee shall forward, by registered mail, to the Commissioner of Banking and Insurance of this State a certified copy thereof, together with a fee of five dollars; which said contract shall be by said Commissioner filed and properly indexed in a convenient form for future reference. And if such trustee is a bank or trust company organized under the laws of this State, said Commissioner shall have the same supervision over it as he would have over any other contract or obligation by such bank or trust company. If such trustee is under the supervision of any other department of the State, then said Commissioner shall be furnished with two copies, one of which he shall forward to the proper authorities for the supervision of such corporation in this State, and the other he shall file as herein provided for banks and trust companies, or banks, organized under the laws of this State.

Sec. 4. The agents or persons selling such securities shall not be permitted to collect, in his or their own name, any part of the proceeds for which such securities are sold or exchanged, but all such payments shall be made direct to such trustees by check, draft, money order or note, payable to such trustee, or by proper transfer or conveyance.

Sec. 5. Such trustee shall be authorized to pay, as and when collected in cash or notes or other property for which such stock has been sold, to the promoter on each individual sale, only that portion of such securities to be paid for promotion fees, which in no instance shall exceed 20 per cent, including all expenses relating to such organization or incorporation; the balance, as and when collected, shall be paid by it to the trustees or directors of such corporation or association; provided, that no money other than promotion fees shall be paid, or property transferred or conveyed by the trustee to any one until after the charter has been granted, or permit to do business in this State, if a foreign corporation, has been obtained; and, provided, further:

(a) When a sufficient amount of money has been collected and the re-

quired amount of stock has been subscribed for, to authorize the incorporation thereof, or the granting of a permit to do business in this State, under the laws of this State, then such trustee shall, as and when any charter or permit is applied for, address an itemized statement under oath by one of its active executive officers, to the Secretary of State, the said trustee; the total sum for which same were sold, the amount of money paid to the promoters, and the amount of money then on deposit with such trustee to the credit of said proposed corporation or association.

(b) If property of any kind is taken in lieu of cash, the Secretary of State shall at once examine such property so taken, in person or by a duly authorized agent, and for such services the Secretary of State shall be paid a fee of ten dollars per day for the time required to make such examination, together with all necessary hotel bills and traveling expenses. If in all other respects the laws of this State have been complied with, and the Secretary of State is satisfied from such examination that the total value of such property is worth the amount of money for which the same was taken, the Secretary of State shall grant such charter or permit to do business in this State; but if not satisfied, then he shall refuse to grant such charter or permit.

(c) Nothing herein, however, shall prevent such promoters from bringing suit by mandamus, as in other such suits, in the district court of Travis county, Texas, to require the Secretary of State to grant such charter or permit; and if it be determined by final judgment in such suit that the promoters have complied with all the requirements of this act and all other laws of this State relative to the organization of such organization or association, then the Secretary of State shall grant such charter or permit.

Sec. 6. After such charter or permit has been granted, such trustee shall then convey or transfer, by proper conveyance or transfer all property so received by it up to that time to said corporation or association; provided, that should property of any kind be taken for promotion fees in lieu of cash, such property shall not be taken for a less sum than the same was taken by the promoters in exchange for such securities.

Sec. 7. This act shall apply as well to securities sold after such charter or permit is granted as before, or to the

increase of the capital stock of any corporation or association; provided, such securities are sold in the promotion thereof and out of which a promotion fee is paid, and by "promotion" is meant the organization or increase of the capital stock of such corporation or association; provided further, that such trustee or trustees may, after the charter or permit is granted, pay any moneys, as and when collected, from the sale of such securities; but any other property received by such trustee or trustees shall be conveyed or transferred to such corporation or association only after report has been made to and acted upon by the Secretary of State as provided in Subdivisions (a), (b) and (c) of Section 5 of this act. Such corporation or association and such trustee or trustees may at any time within two years after such charter or permit is granted make such report, and if this law has been complied with, such trustee or trustees shall then transfer or convey to such corporation or association the said property so held by it.

Sec. 8. Every such corporation or association shall, within two years after its charter or permit is granted, make report to the Secretary of State as is required by Article 1141 of the Revised Statutes of the State of Texas, and in addition to the requirements of said article, report to the Secretary of State, under oath made by the president, vice president or secretary, the amount of money paid for promotion, and to whom paid; and if in property other than cash, such report shall particularly describe such property, to whom it was transferred or conveyed, the amount of money for which such promoter or promoters accepted the same in exchange for such securities, and the amount of money for which such promoter or promoters or agent accepted the same as commission or promotion fees, and such report shall also be accompanied by the report of the trustee or trustees, as provided in Subdivision (a) of Section 5 of this act.

Sec. 9. Every foreign corporation, or proposed foreign corporation, or association, desiring to sell or contract to sell its securities in this State, in the promotion thereof and out of which a promotion fee is paid, shall first file with the Commissioner of Banking and Insurance of this State a like power of attorney to that provided for life insurance corporations in Article 4773, Revised Civil Statutes of the State of Texas of 1911, and service may be had



upon such corporations, or association, and the said commissioner as therein provided for; and said commissioner upon receipt of such process shall proceed as is provided in Article 4774, Revised Civil Statutes of the State of Texas of 1911; and the said commissioner's acts and conduct in regard to such power of attorney and such persons, shall be the same as is provided in said Articles 4773 and 4774, and the effect, force and result of such acts shall be the same as is herein provided.

Sec. 10. Provided, further, before any promoter, or promoters, shall sell or offer for sale any such securities in this State he or they shall make and enter into a good and sufficient bond, to be approved by the Commissioner of Banking and Insurance, in a sum equal to ten per cent of the amount of stock proposed to be sold, conditioned that should such promoter, or promoters, sell, trade or exchange any such securities in this State and should fail or refuse for any cause to incorporate or organize the corporation or association of the kind and character named on such security within two years after the making of such bond and deliver or cause to be delivered to any purchaser, or purchasers, have subscribed and paid for, or should such promoter, or promoters, make any false or fraudulent representations in or upon said securities, or in the authorized literature of such promoters, then and in that event such promoter or promoters shall and will return to such purchasers or subscribers any and all money which such purchasers or subscribers have paid upon such securities; provided further, should any subscriber or purchaser of such securities have transferred, sold or conveyed to such promoter or promoters, any property other than cash in exchange for such securities then said promoter, or promoters, shall reconvey, reassign or retransfer to such purchaser or subscriber all such property as they shall have assigned, transferred or conveyed; provided, further, that if said promoter, or promoters, shall have converted any such property so that they can not redeliver the identical property then he or they shall pay and refund to such purchaser, or purchasers, a sum of money equal to that for which said property was taken in the first instance in exchange for such proposed securities; provided, further, should such purchaser, or purchasers, be required to employ an attorney or attorneys to collect any such money so paid or to enforce the return

of any property given in exchange for such securities, then such purchaser shall recover an additional amount equal to ten per cent of the amount of cash paid or the sum for which any such property was taken in exchange for said securities; provided, an expression of opinion as to the probable value or worth of such securities, contingent upon future development or expansion of business shall not be considered cause for the return of money unless willfully made for the purpose of committing a fraud upon such purchaser.

Any suit or suits filed for the collection of any moneys or the return of any properties, as provided for in this section, may be filed in any court having jurisdiction within any county in this State where any one or more of such promoters or purchasers reside, or in any court in Travis county having jurisdiction.

Sec. 11. It shall hereafter be unlawful for any promoter, officer, agent or employe, or trustee, or holding company, or sales agents or persons, or associations of persons, in this State, to sell or offer to sell, or contract to sell, directly or indirectly, any securities, as defined in this act, of any corporation or association, or proposed corporation or association, subject to this act without first complying with the provisions of this act, or in violation of any provisions hereof; and any person so offending shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars nor more than two thousand dollars, or may be imprisoned in the county jail for any period not more than one year, or by both such fine and imprisonment.

Sec. 11a. No foreign corporation which has sold any of its stock in this State shall obtain a permit to do business in this State unless and until it has at least 50 per cent of its capital paid up and the balance in good faith subscribed for.

Sec. 12. The terms of this act shall not apply to any national bank, nor to any corporation having a charter granted under any act of the Congress of the United States, nor to any State bank, bank and trust company or trust company organized under the laws of this State, nor to any corporation organized under the Federal reclamation act, approved June 17, 1902, or the regulations established by the Secretary of the Department of the Interior in pursuance thereof. Nor shall the terms of this act apply to any corporation or the promoters of any corporation organized under



the laws of Texas which does not sell or contract to sell its stock to more than twenty-five bona fide purchasers; provided, it does not act as the agent or trustee, holding company or sales company in the promotion of any concern which is included under the terms of this act. Nor shall this act apply to any railroad or railway company or interurban railroad or railway company, or street railroad or railway company. Nor shall this act apply to the sale of stock of a corporation by a bona fide owner of same, who had in good faith bought the same, and who in the purchase and sale of same was and is not acting, directly or indirectly, as promoter or agent of such corporation. Nor shall this act apply to a bona fide stock or stockholder in the sale of stock, which stock has been by such corporation sold and issued to a bona fide purchaser prior to the offering of same for sale by such broker; provided, that such purchaser or broker was not acting, directly or indirectly, as promoter of such corporation.

Sec. 13. This act shall be construed as cumulative of any law or laws of this State, and shall not be construed as repealing any law.

Sec. 14. The fact that there is no law in this State regulating the sale of stocks, bonds or obligations of numerous corporations which are selling such stock, bonds and other obligations throughout this State, many of which are worthless, and the fact that the people of this State are being imposed upon by unscrupulous persons selling such worthless stock, bonds and other obligations, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Conner, Chairman; Clark, Carter, Brelsford, Bailey, Nugent, Oliver, McGregor.

Committee Room,

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 57, A bill to be entitled "An Act creating the Gonzales Independent School District in Gonzales county, Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the city of Gonzales of the control of

its public free schools, and the title of all property now held and used for public school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 48, A bill to be entitled "An Act to create a more efficient road system for Mason county, Texas, and declaring an emergency,"

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 39, A bill to be entitled "An Act providing for the construction of necessary buildings for the University of Texas; for raising the necessary funds for such purpose by the creation of the University of Texas Building Fund out of the income of the permanent University endowment and other revenue producing funds out of the other sources of revenue from properties of the University and the issuance and sale of certificates against said University of Texas Building Fund so created; and authorizing the expenditure of the proceeds of said certificates in payment for the construction of the buildings authorized and permitted under the act; creating the Board of Building Commissioners, whose duty it is to supervise the construction of the necessary buildings under the act and the expenditure of the funds provided therefor, and further defining the duties and authority of said Board of Building Commissioners and fixing their salary; prescribing certain duties for carrying into effect the provisions of this act of the Governor of the State, the Attorney General, the Superintendent of Public Instruction, the President of the University of Texas and the President of the Board of Regents of the University of Texas, and conferring certain

authority upon the Board of Regents of the University of Texas; making an appropriation of funds derived from the sale of the certificates herein provided for, for the erection of the buildings and carrying out the provisions of this act, and declaring an emergency,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 53, A bill to be entitled "An Act to create a special district court for El Paso county, Texas, to be known as the Special District Court in and for El Paso county; to prescribe its jurisdiction; to limit its existence; to fix its terms, to conform all writs and process of said court to the district court of said county, and such changes as are made in the jurisdiction of said court by this bill: to empower the judge of said special district court and the judges of the Thirty-fourth Judicial District court and the Forty-first Judicial District court to transfer cases from their respective courts to this court; to provide for appointment of a judge for said special district court; to fix his salary and term of office, and declaring an emergency,"

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 40, A bill to be entitled "An Act to amend Article 911 of the Penal Code of the State of Texas, as amended at the Regular Session of the Thirty-third Legislature, Chapter 135, page 268. Acts of the Thirty-third Legislature, so as to prevent taking fish or terrapin by drag seine during the breeding season and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, and in all streams and canals leading from one body of salt water to another body of salt water in the State of Texas; to empower the Game, Fish and Oyster Commissioner to close waters against seining and netting under certain con-

ditions, and to prevent seining during the breeding season in salt waters, and providing penalty for the violation of this act, and declaring an emergency,"

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 35, A bill to be entitled "An Act appropriating the sum of five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency,"

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower San Patricio county or any political subdivision or any defined district now or hereafter to be described and defined, of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision, or any defined district now or hereafter to be described and defined, thereof, voting thereon to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, or any defined district now or hereafter to be described and defined, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, gravelled or paved roads, and declaring an emergency,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 34, A bill to be entitled "An Act to create and establish the county of Lott, in honor of Uriah Lott, taken from the existing territory of Duval county, prescribing its area and boundaries, providing that all laws and parts of laws in conflict herewith shall have no application, and declaring an emergency,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 26, "An Act to amend Article 6002, Title 97, Revised Statutes of Texas, 1911, providing for the appointment of notaries public, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 6002, Title 97, Revised Statutes of Texas, 1911, shall be amended so as to hereafter read as follows:

Article 6002. There shall be appointed by the Governor, by and with the advice and consent of the Senate, a convenient number of notaries public for each organized county, and not to exceed six notaries public for each unorganized county in this State, who shall hold their office for the term of two years from the first day of June after appointment at a regular session of the Legislature; provided, that the Governor, by and with the advice and consent of the Senate, may appoint additional notaries public at any special session of the Legislature, who shall hold their office until the first day of June succeeding the next Regular Session of the Legislature after their appointment; provided, that nothing herein shall be so construed as to exempt them from jury service.

Sec. 2. The fact that the numbers of notaries public now qualified are inadequate and that through mistake a number of notaries public recommended for appointment at the Regular Session failed of confirmation, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day at 4 o'clock p. m. presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred House bill No. 17, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Senate Journal.

MORROW, Chairman.

Following is the bill in full:

H. B. No. 17.

By Penry.

A BILL

To Be Entitled

An Act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations, and for the government and control of the same; placing the same under the control and supervision of the Commissioner of Insurance and Banking; and providing for the admission into this State of foreign building and loan associations; and providing penalties for the violation of this act, and repealing all laws in conflict with this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any number of persons, not less than five, who are residents of this State, desiring to organize a building and loan association for the purpose of building and improving homesteads, removing incumbrances therefrom, and loaning money to the members thereof, may, by complying with the provisions of this act and entering into articles of association, become a corporate body. Said articles of association shall be signed by persons associating and acknowledged before some person authorized by the laws of this State to take acknowledgments to deeds, and shall set forth:

First. The name assumed by the association, which shall not be the same assumed by any other association incorporated under this act, nor so similar as to be liable to mislead.

Second. The purpose for which the association is formed.

Third. The amount of its authorized capital stock, and the number of shares into which it is divided, the par value of each share, and the number of shares subscribed for, which shall not be less than fifty in number.

Fourth. The names of the incorporators, their respective residences, and the number of shares subscribed by each.

Fifth. The term of its corporate existence, which shall not exceed fifty years.

Sixth. The name of the town, city or village in which such association is to be located.

Sec. 2. When executed as aforesaid, said articles of association shall be approved by, and filed with, the Secretary of State, and a copy thereof, duly authenticated under the hand and seal of State, shall be delivered to the Commissioner of Insurance and Banking, who shall file the same in his office, and a like copy thereof shall be recorded in the office of the clerk of the county court of the county in which the principal office of such association is located; whereupon the persons named in the articles of association, their associates and successors, shall become a corporate body for the period for which they were organized, and shall exercise such powers as are herein granted, and such other powers as are necessary to enable such association to carry out the purpose of its organization, not inconsistent with the provisions of this act; provided, that before such association shall proceed to business it shall adopt by-laws for the regulation and management of its business. Said by-laws shall not become operative until a copy thereof, duly certified by the president and secretary of the association, shall have been approved by and filed with the Commissioner of Insurance and Banking, and when so approved and filed the said Commissioner of Insurance and Banking shall issue his certificate of such approval and filing, and thereupon said association may proceed to business. The provisions of this act shall not apply to loan corporations heretofore incorporated under the laws of Texas loaning money on real estate, or improvements thereon, in cities of this State of more than thirty thousand inhabitants and not requiring the borrowers to be members thereof or holders of shares in such corporations, and which have been doing business for as long as ten years prior to the passage of this act.

Sec. 3. The corporate powers of every

building and loan association heretofore organized under the laws of this State, or which may be incorporated under this act, shall be exercised by a board of directors of not less than five (5) members, who shall elect from their own number the officers of the association. The mode of electing members of said board of directors and officers and their respective terms of office shall be prescribed in the by-laws.

Sec. 4. The secretary and treasurer of such association, and all other officers who sign and endorse checks, have charge of money or securities of such association, shall, before entering upon the duties of their office, each give such bond for the faithful performance of the same as shall be required and approved by the board of directors. Additional sureties or such increase of said bond as they may deem necessary, may be required at any time by the board of directors. Directors shall not be accepted as sureties on such bonds, and shall be individually liable for any loss sustained through their negligence or failure to comply with the provisions of this section.

Sec. 5. The authorized capital stock of such association shall be divided into shares having a par value of not less than twenty-five dollars, nor more than two hundred dollars, each, payable in periodical installments, called dues, not exceeding two dollars per month on each share; provided, that the by-laws may provide for the advance payment of installment dues and for which there may be issued an advance payment certificate. The shares may be issued in series, or at any time as the by-laws shall determine and subscriptions therefor shall be made payable to the association. Said shares shall be deemed personal property, transferable on the books of the association in the manner prescribed in the by-laws, and shall be paid off and retired as the by-laws shall direct. Every share shall be subject to a lien for the payment of unpaid dues and such other charges as may be lawfully incurred thereon under the provisions of this act, and the by-laws may prescribe the manner of enforcing such lien. New shares may be issued in lieu of shares matured, withdrawn, retired or forfeited; but at no time shall the shares issued and in force exceed the aggregate number of shares into which the authorized capital stock is divided as designated in the articles of the association; provided, further, that any building and loan association heretofore or hereafter incorporated under the laws of this State, may, by a



resolution adopted by a two-thirds vote of shares represented and voted at any annual meeting, or at any meeting called for that purpose, increase its authorized capital stock and shares, or amend its articles of association or by-laws, in any manner not inconsistent with the provisions of this act; but no such increase of authorized capital stock nor amendments shall have effect until a copy of such resolution, certified by the president and secretary of such association, shall be filed, approved and recorded in the same manner as is provided in Section 2 of this act for the filing and recording of original articles of association and the filing and approval of by-laws.

Sec. 6. At such times as the by-laws shall designate, not less frequently than once a month, the board of directors shall hold meetings, at which the funds in the treasury applicable for loans shall be loaned to the members, who, in open competition, shall bid the highest premium for priority of right to a loan; or in lieu thereof, such funds may be loaned, either with or without premium, as the borrower may, in writing, agreed to pay, in which case the priority of right to a loan shall be decided by the priority of the application therefor. The manner in which said premium may be paid shall be prescribed in the by-laws. No loans shall be made by such association to any one not a member thereof (except as hereinafter provided, nor to any member for an amount greater than the par value of the shares held by such member. Borrowers shall be required to give real estate security, unincumbered except by the prior liens held by such association, accompanied by a transfer and pledged to the association the shares borrowed upon as collateral security for the payment of the loan; provided, that no loan made upon real estate security shall exceed in amount two-thirds of the appraised valuation of such real estate; provided, further, that the shares of such association may be received as security for the loan of an amount not to exceed 90 per cent of the withdrawal value of such shares; provided further, that, subject to the approval of the Commissioner of Insurance and Banking, the number of payment of dues, interest and premium required from the borrowing stockholder to pay off his loan and secure a release of his encumbrance may be limited to such a definite number as the by-laws may provide; and provided, further, that when the funds in the treasury applicable for loans shall accumulate and be in excess of the amount required for loans

to members, they may be loaned to non-members upon real estate securities unincumbered by prior liens in an amount not to exceed 50 per cent of the appraised value of such securities, or may be invested in such securities as are authorized to be accepted by savings banks in this State, but at no time shall such loans and investment exceed 20 per cent of the assets.

Sec. 7. If the borrower neglects to offer security satisfactory to the board of directors within the time prescribed by the by-laws, his or her right to the loan shall be forfeited, and he or she shall be charged with interest or premium, if any, for one month, together with any expense incurred and the money appropriated for such loan may be reloaned at the next or any subsequent meeting.

Whenever a borrowing shareholder shall be in arrears in the payment of dues, interest or premium for more than four months the board of directors may, at their discretion, declare the pledged shares forfeited, and the whole amount of the loan due and payable, and its collection, together with the arrears of interest, premium and fines, may be enforced by proceedings upon the security held by the association, in accordance with law; provided, that the withdrawal value of the pledged shares, at the time of the commencement of the foreclosure proceedings, shall be credited upon the loan.

Sec. 8. Any borrowing shareholder desiring to repay his loan shall have the privilege of doing so at any time, by giving the association thirty days' written notice of such intention. The borrower shall be charged with the amount of the original loan, together with all the arrearages of interest, premium and fines and other legal charges, and shall be given credit for the withdrawal-value of his shares pledged as security; and the balance shall be received by the association in full satisfaction of said loan; provided, that in cases where the premium is deducted from the loan in a gross sum, and the borrower repays the loan before the expiration of the tenth year from the date upon which said loan was made, such borrower shall be given credit for one-tenth of the premium paid for every year of the said ten years then unexpired; provided, further, that any borrower desiring to retain his or her shares and membership may repay his loan without claiming credit for the withdrawal value of said shares, whereupon said shares shall be



retransferred to him or her, and shall be free from any claim by reason of said loan.

Sec. 9. By the term "withdrawal value" as used herein is meant: The then value of the stock at the time indicated in the connection in which the words are used less the lawful charges against such shares in favor of the corporation.

Sec. 10. No corporation or association created under this act shall cease or expire from neglect on the part of the corporation to elect officers at the time mentioned in their by-laws, and all officers elected to such corporation shall hold their offices until their successors are duly elected and qualified.

Sec. 11. Any loan or building association incorporated by or under this act is hereby authorized and empowered to purchase at any sheriff's or other judicial sale, or at any other sale, public or private, any real estate upon which such association may have or hold any mortgage, lien or other encumbrance, or in which said association may have an interest for the purpose of collecting any debt due it, or for the protection of its interest in such real estate, and the real estate so purchased to sell, convey, lease or mortgage, at pleasure to any person or persons whomsoever, and to the highest bidder after advertising same in some local paper for four consecutive weeks.

Sec. 12. Any loan or building association incorporated under this act, or any prior act, may extend the duration of time for which said association was organized by a vote of two-thirds of the capital stock of such association represented and voting at any annual meeting of the stockholders of such association, or at any special meeting called for that purpose: thereupon the board of directors shall transmit a copy of the proceedings of such annual meeting or of such special meeting, duly attested, to the Secretary of State, who shall make a duly authenticated copy thereof, as provided in said Section 3 of this act, certifying to the extension of time of such corporation, and the same shall be filed with the Commissioner of Insurance and Banking and recorded as provided in said Section 3 of this act, and any building and loan association incorporated under any prior act, and extending the duration of the time for which it was incorporated, in the manner herein provided, shall be deemed as incorporated under and be vested with all the power given in this act, the same as though such cor-

poration had been originally incorporated under it.

Sec. 13. Each association formed under the provisions of this act shall, at the close of its first year's operations, and annually at the same period in each year thereafter publish in at least one newspaper published in the same place where its principal office may be located, or if no newspaper be published in such place, then in the newspaper published nearest such place, a concise statement, verified by the oaths of its president and secretary, showing the actual financial condition of the association, and the amount of its property and liabilities, specifying the same particularly.

Sec. 14. The Commissioner of Insurance and Banking shall have supervision of all building and loan associations doing business in this State, and shall be charged with the execution of the laws of this State relating to such associations; provided, that during the absence or disability of the Commissioner of Insurance and Banking his chief clerk or deputy shall be authorized to perform all the duties relating to the control and supervision of such associations and the execution of the laws above described.

Sec. 15. Every building and loan association doing business within this State shall, on the first day of January of each year, or within sixty days thereafter, file with the Commissioner of Insurance and Banking a full and detailed statement of its financial condition on the 31st day of the preceding December, and the business transacted during the preceding year within this State. Said statement shall set forth the amount and character of its assets, liabilities, receipts and disbursements, and shall contain such other information, and be in such form as the Commissioner of Insurance and Banking may prescribe, and shall be subscribed and sworn to by the secretary and treasurer of such association. Any such association refusing or neglecting to file the annual statement herein required within the period hereinbefore prescribed shall forfeit five dollars per day for each and every day such statement shall be withheld, and the Commissioner of Insurance and Banking may maintain an action in the name of the State to recover such penalty, which, upon its collection, shall be paid into the State Treasury. And shall within thirty days after such refusal to file such annual statement, investigate the affairs of the association if found in a failing condition take charge of its affairs.

Sec. 16. Once in each year, or oftener, if in the opinion of the Commissioner of Insurance and Banking it shall be necessary, the Commissioner of Insurance and Banking shall make or cause to be made, an examination into the affairs of all building and loan associations doing business in this State. Such examinations shall be full and complete, and in making the same the examiner shall have full access to, and may compel the production of all books, papers and moneys, etc., of the association under examination, and may administer oaths to and examine the officers of such association or any other person connected therewith, as to its business and affairs.

The Commissioner of Insurance and Banking may appoint such special examiners as may be necessary to carry out the provisions of this act. Such examiner shall be paid at the rate of eight dollars per day; they shall also receive necessary traveling expenses connected with the duties of their office, which shall be paid by the State Treasurer on the warrant of the Commissioner of Insurance and Banking and the approval of the Governor.

Sec. 17. Whenever it shall appear to the Commissioner of Insurance and Banking that the affairs of any such association are in an unsound condition, or that it is conducting its business in an unsafe or unlawful manner, such Commissioner shall at once notify the board of directors of such association, giving them twenty days in which to restore its affairs to a safe and sound condition, or to discontinue its illegal practices. If after twenty days such restoration shall have not been made, or such illegal practices shall have not been discontinued, said Commissioner may order one of the examiners, appointed to examine such association, or a special examiner appointed for the purpose, to take possession of all books, records and assets of every description of such association and hold and retain possession of the same pending the further proceedings hereinafter specified. Should the board of directors, secretary or person in charge of such association refuse to permit the said examiner to take possession aforesaid, said Commissioner shall communicate such fact to the Attorney General, whereupon the Attorney General shall at once institute such proceedings as may be necessary to place such examiner in immediate possession of the property of such association. Upon taking possession of the effects of the association as aforesaid,

said examiner shall prepare a full and true statement of the affairs and condition of such association, including an itemized statement of its assets and liabilities, and shall receive and collect all debts, dues and claims belonging to it, and may pay the immediate and reasonable expense of his trust. Said examiner shall be required to execute to the Commissioner of Insurance and Banking a good and sufficient bond, conditioned for the faithful discharge of his duties as custodian of such association, which said bond shall be approved by said Commissioner.

The Commissioner of Insurance and Banking shall, within fifteen days next after said examiner has acquired possession of the property of such association, convene a special meeting of the shareholders for the purpose of considering and acting upon the examiner's report of the affairs and conditions of such association as found by him from his examinations thereof. The shareholders may, at said special meeting, by the votes of those owning two-thirds of the shares in force, resolve to go into liquidation, and for that purpose may, by a majority vote of those present, elect from among their number a receiver and fix his compensation. The compensation to be allowed a receiver under this act shall be an amount reasonably in proportion to the value of the property of the association, and in no event shall exceed \$2500 per annum. A copy of said resolution, duly certified by the presiding officer and secretary of said special meeting, together with the name and address of the receiver thus elected, shall be filed with the Commissioner of Insurance and Banking. Said receiver shall be charged with a proper distribution of the assets, discharge of all liabilities and final closing up of the business of such association, and before he shall enter upon the duties of his office he shall be required to execute to the association a good and sufficient bond, conditioned for the faithful discharge of his duties, which shall be approved by and filed with said Commissioner. Upon the election and qualification of said receiver, as aforesaid, the said examiner shall, when so ordered by the Commissioner of Insurance and Banking, turn over and deliver to said receiver all the books, papers, money and effects of every description in his hands belonging to such association. Said receiver shall, upon the completion of said duties entrusted to him, prepare a statement to that effect, inserting therein that all of the liabilities of such

association have been completely discharged and its assets and property distributed among all the persons entitled thereto. Said statement shall be subscribed and sworn to by said receiver and filed with the Commissioner of Insurance and Banking, and a notice of such dissolution shall be published for three successive weeks in any newspaper published in the county wherein the principal office of such association is located. Upon the filing of said statement and making publication, as aforesaid, such association shall be deemed dissolved.

Sec. 18. If after having called a meeting of the shareholders as herein provided, the Commissioner of Insurance and Banking shall find that liquidation by the shareholders can not be had or consummated, he shall communicate such fact, together with a statement of the condition of the association to the Attorney General, who shall thereupon institute the necessary proceedings to enjoin such association from doing any further business, and for the appointment of a receiver therefor.

Sec. 19. If a shareholder be in arrears in the payment of dues upon unpledged shares, the board of directors may, if the shareholder fails to pay the amount of arrears within thirty days after notice, declare said shares forfeited. The withdrawal value of said shares at the time of forfeiture shall be ascertained and paid to such shareholder upon such notice as the by-laws may prescribe, provided that fines for the non-payment of dues, interest or premium shall not exceed one per cent per month on each dollar in arrears.

Sec. 20. The gross earnings of every building and loan association shall be ascertained at least once in each year, from which shall be deducted a sufficient amount to meet the operating expenses of such association, and from said earnings only shall such expenses be paid. From the balance of the earnings there shall be set aside at least one per cent annually as a reserve fund, until such fund reaches five per cent of the outstanding loans, at which rate it shall thereafter be maintained and held by annual appropriations from the earnings. From said reserve fund shall be paid all losses sustained by said association from depreciation of securities or otherwise. After providing for expenses of the association, and the reserve fund, as aforesaid, the residue of such earnings shall be transferred and apportioned to the credit of shareholders as the association by its by-laws shall provide.

Sec. 21. At the annual meeting, or at any meeting called for that purpose, any two or more building and loan associations organized under the laws of this State may by two-thirds of the vote of all shareholders of each of the different associations resolved to consolidate into one upon such terms as shall be mutually agreed upon by the directors of such associations. Any shareholder not consenting to such consolidation shall be entitled to receive the withdrawal value of his stock in settlement, or, if a borrower, to have such value applied in part settlement of his loan; provided, that such consolidation shall not take effect until a copy of said resolution, certified by a majority of the board of directors of each association, shall be filed with the Secretary of State, and with the Commissioner of Insurance and Banking, and recorded in the manner hereinbefore provided.

Sec. 22. At the annual meeting, or at any meeting called for that purpose, any building and loan association of this State may, by the vote of shareholders owning two-thirds of the shares in force, resolve to liquidate and dissolve the corporation. In order to facilitate such dissolution the board of directors may, if they deem advisable, sell and transfer the mortgage securities and other property of such association to another corporation, person or persons, subject, however, to the vested and accrued rights of the mortgagors; provided, that before said resolution shall have effect, a copy thereof, certified by the president and secretary of such association, together with an itemized statement of its assets and liabilities, sworn to by a majority of directors, shall be filed with the Commissioner of Banking and Insurance. After filing a copy of the resolution as aforesaid, it shall be unlawful for such association to issue stock or make any loans, but all of its income and receipts, in excess of actual expense of management, shall be applied to the discharge of its liabilities.

Sec. 23. Every officer, director, member of any committee, clerk or agent of any building and loan association doing business in this State, who embezzles, abstracts or misapplies any of the moneys, funds or credits of such corporation, who issues or puts into circulation any warrant or other orders, who assigns, transfers, cancels or delivers up any note, bond, draft, mortgage, judgment, decree, or any other written instrument belonging to such association, who certifies to or makes a false entry in any book, report or statement of or

to such association, with intent in either case to deceive, injure or defraud such association, or any member thereof, or to deceive any one appointed to examine the affairs of such association, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the State penitentiary for a period of not less than one year nor more than ten years. Any officer whose duty it is, failing to make the reports required by this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars, or shall be imprisoned not less than one month nor more than six months.

Sec. 24. The Commissioner of Insurance and Banking shall, annually, at the earliest possible date after the statements of such associations are received, make a report to the Governor of the general conduct and condition of all building and loan associations doing business in this State, including the information contained in such statements, arranged in tabular form, together with such suggestions as he may deem expedient. There shall be printed of said report as many copies as the Commissioner of Insurance and Banking shall deem necessary.

Sec. 25. Every building and loan association organized under the laws of this State shall be subject to and pay to the Secretary of State the following fees, which fees shall be paid into the State Treasury, to-wit: for filing articles of associations' by-laws, amendments, or any other paper, one dollar; for making and certifying to articles of association, by-laws, or any other paper required to be filed with the Secretary of State, twenty cents per folio of one hundred words; for making the annual examinations herein provided, one-seventy-fifth part of one per cent of the gross amount of assets of such association, which fee shall be paid at the time of filing its annual statement, and shall at the same time pay to the Secretary of State an annual franchise tax of ten dollars; provided, that the examination fee of any association shall not be less than twenty dollars nor more than one hundred dollars in any one year; provided further, that the expense incurred and services, other than examinations performed especially for such association shall be paid in full by such association.

Sec. 26. The foreign building and loan associations doing business in this State shall conduct the same in accordance with the laws of this State governing do-

mestic building and loan associations, and shall comply with all requirements of said laws, except as herein provided.

Sec. 27. No foreign building and loan association shall do any business in this State until it shall procure from the Secretary of State a certificate of authority to do so. To procure such certificate of authority such foreign association shall comply with the following provisions:

First. It shall file with the Secretary of State a certified copy of its articles of incorporation, a copy of its by-laws and rules governing it, and of its certificates and all printed matter issued by it, together with a statement of its financial condition such as is required annually from all building and loan associations organized under the laws of this State.

Second. It shall file with the Secretary of State a written instrument, properly executed, agreeing that any summons or process of any court in this State may issue against it from any county in this State, and when served upon the Secretary of State shall be accepted irrevocably as a valid service upon such foreign association; provided, however, that the Secretary of State shall mail a copy of any such legal process served upon him to the home office of such foreign association, and the Secretary of State shall, within six days, certify to the court from which such summons or process issued the fact of such mailing. The plaintiff shall for each process so served pay to the Secretary of State, at the time of such service, a fee of two dollars, which shall be recovered by the plaintiff as part of the taxable costs if he prevail in the suit.

Third. It shall deposit with the Secretary of State one hundred thousand dollars (\$100,000), either in cash or bonds of the United States, or bonds of any State in the United States, or bonds of any county or municipal corporation in the State of Texas, or mortgages, being first liens on improved and productive real estate located within this State, and worth at least twice the amount of the liens, or furnish surety company bond in said sum of \$100,000, which securities or surety company bond shall be approved by the Secretary of State. Said deposit shall be held as security for all claims of residents of this State against such foreign associations, and shall be liable for all judgments or decrees thereon; and said securities shall not be released until all shares of such foreign associations held by residents of this State shall have been fully



redeemed and paid off, and its contracts and obligations to residents of this State shall have been fully performed and discharged. Such foreign associations may collect and use the interest on any securities so deposited, so long as it fulfills its obligations and complies with the provisions of this act. It may also exchange them for other securities of equal value, if satisfactory to the Secretary of State; provided, that if the business of such associations be solely that of lending money in this State, and that it sells none of its stock except where loans are actually made on real estate in this State for the full amount of the stock so sold, and made at the time of the sale of such stock, then in such event the provisions of this act requiring a deposit bond of one hundred thousand dollars (\$100,000) shall not apply.

Sec. 28. All such securities deposited with the Secretary of State shall be immediately deposited by him with the State Treasurer, who, with his sureties, shall be responsible for the safe keeping thereof. The State Treasurer shall deliver such securities only upon the written order of the Secretary of State.

Sec. 29. Whenever such foreign association has complied with the provisions of this act, the Secretary of State shall so certify to the Commissioner of Insurance and Banking, and thereupon such foreign association shall also furnish to the Commissioner of Insurance and Banking a full and complete financial statement of its affairs duly sworn to by its president and secretary, together with such other information as said Commissioner of Insurance and Banking may require, which said report shall be filed annually thereafter. And if the Commissioner of Insurance and Banking is satisfied that such association is in sound financial condition and shall be satisfied that such foreign association is conducting its business in accordance with the laws of this State, and shall regard it safe, reliable and entitled to public confidence, he shall so certify to the Secretary of State, who shall issue certificate of authority and renewals of such certificate of authority upon the payment of the fees as herein provided.

Sec. 30. All foreign building and loan associations shall pay to the Secretary of State the following fees, which shall be paid into the State Treasury, to-wit: For filing each application for admission to do business in this State, fifty dollars (\$50); for each certificate of authority and annual renewal of the same, twenty-five dollars (\$25) and an annual fran-

chise tax of two hundred and fifty (\$250) dollars.

Sec. 31. If at any time any shareholder of such foreign association residing in this State shall recover judgment against such foreign association, and which after thirty days shall not have been satisfied, the State Treasurer, upon an order from the Secretary of State, shall proceed to sell at the current market value sufficient of the bonds, or collect sufficient of the mortgage securities deposited with him, to satisfy the amount of such judgment, together with five per cent for his services and expenses; provided, that before ordering the State Treasurer to dispose of such securities as aforesaid the Secretary of State shall be served with an affidavit by the plaintiff or his attorney, setting forth the recovery of judgment, and that the same has remained unpaid for thirty days, and that no proceedings are pending for appeal or reversal of the same; provided further, that such foreign association, after notice of the service of such affidavits, shall not transact any new business in this State until any deficiency of securities caused by the necessity of satisfying such judgments shall have been made good by further deposit of similar securities with the Secretary of State.

Sec. 32. Every foreign building and loan association doing business in this State shall be subject to the same examinations as are building and loan associations organized under the laws of this State; provided, that the expense of all examinations of such foreign association shall be paid by the association examined, and the money so received shall be paid into the State Treasury; provided, it shall not be necessary for such examination to be made but once in each year; provided further, that such expense shall only include the necessary traveling expenses of such examiner and the sum of eight dollars per day for each day actually required in making such examinations.

Sec. 33. Should the Secretary of State find, upon examination, that such foreign association does not conduct its business in accordance with law, or that the affairs of such foreign association are in an unsound condition, or if such foreign association refuses to permit examination to be made, he may revoke the certificate of authority granted such foreign association to do business in this State; provided, that upon the revocation of such certificate of authority, the



Secretary of State shall mail a notice thereof to the home office of such foreign association, and cause a similar notice to be published in at least one newspaper published in the city of Austin. After publication of said notice it shall be unlawful for any agent of such foreign association to receive any further payments on shares from shareholders residing in this State, except payment on shares on which a loan has been made.

Sec. 34. No foreign building and loan association shall be permitted to do business in this State unless the provisions of this act are fully complied with and all contracts made by such foreign associations while in default shall be absolutely void. Any such association violating any of the provisions of this act, or failing to comply with any of its provisions, shall be subject to a fine of not less than one hundred dollars, nor more than five hundred dollars, such fine to be recovered by an action in the name of the State of Texas, in any court of competent jurisdiction, and upon the collection thereof the same shall be paid into the State Treasury.

Sec. 35. It shall be unlawful for any person to act as agent for any building and loan association not authorized to do business in this State, or to solicit, sell or dispose of any shares of any such unauthorized association; and any person or persons acting for any such unauthorized association, or in any manner aiding in the transaction of the business of such association in this State, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars for each offense, and in default of payment of such fine shall be imprisoned in the county jail for a period not to exceed one year. All fines collected under the provisions of this section shall be paid into the State Treasury.

Sec. 36. All laws and parts of laws in conflict with this act are hereby repealed. The fact that there is now no adequate law in force in this State to properly safeguard its people against the sale of stock in irresponsible building and loan associations, and the near approach of the end of this special session, create an imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

(Floor Report.)

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred House bill No. 44, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

Astin, Chairman; Westbrook, Warren, Conner, Taylor, Bailey of DeWitt.

Following is the bill in full:

H. B. No. 44. By Calvin et al.

A BILL

To Be Entitled

An Act to amend Chapter 5 of the Revised Criminal Statutes of Texas of 1911, and Title 131 of the Revised Civil Statutes of Texas of 1911; providing for the conduct of the business of public warehousemen, describing what constitutes such warehouse, and defining who shall be held to be public warehousemen; providing that all persons, firms and corporations, or association of persons, shall obtain a certificate of authority from the county clerk of the county in which they intend to engage in said business of warehousemen, and defining the requisites of said certificate; providing that such public warehousemen shall issue negotiable and non-negotiable receipts for property stored in such warehouses, and vesting the supervision of such public warehouses in the Commissioner of Insurance and Banking, and defining his duty with reference to such warehouses, and directing said Commissioner to prescribe uniform public warehouse receipts for cotton; and requiring that any encumbrance on cotton stored in public warehouses shall be disclosed in the endorsement on the back of such negotiable receipt or certificate, and providing a penalty for failure to truthfully disclose such facts; preventing public warehousemen, by provisions inserted in their receipts, from limiting their liability under the law; providing for the negotiability of receipts issued; providing a penalty for public warehousemen who violate the provisions of this act; providing the conditions under which private warehousemen may conduct such business; providing for the appointment of a board of cotton grading examiners and defining their

duties; requiring public warehousemen storing cotton to employ a competent cotton classer, and affixing a penalty for failure to do so, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 969, 970, 971, 972, 973, 974, 975, 976 and 977 of Chapter 5 of the Revised Criminal Statutes of Texas for 1911, and Articles 7819, 7820, 7821, 7822, 7823, 7824, 7825, 7826 and 7827 of the Revised Civil Statutes of Texas of 1911, be and the same are hereby so amended as to hereafter read as follows:

Sec. 2. All persons, firms, companies or corporations who shall receive cotton, tobacco, wheat, rye, oats, rice, oil, or any kind of produce, wares, merchandise, or any description or personal property in store for hire, under the provisions of this act, shall be deemed and taken to be public warehousemen; and all warehouses which shall be owned or controlled, conducted and managed in accordance with the provisions of this act, shall be deemed and taken to be public warehouses, provided that a public warehouse for the storage of cotton may, within the meaning of this act, include a lot or parcel of land enclosed with a lawful fence, the gates or entrances to which shall be kept securely locked at night.

Sec. 3. The owner, proprietor, lessee or manager of any public warehouse, whether an individual, firm or corporation, before transacting any business in such public warehouse shall procure from the county clerk of the county in which the warehouse or warehouses are situated, a certificate that he is transacting business as a public warehouseman under the laws of the State of Texas, which certificate shall be issued by said clerk upon a written application, setting forth the location and name of such warehouse or warehouses, and the name of each person, individual, or a member of the firm, interested as owner or principal in the management of the same, or, if the warehouse is owned or managed by a corporation, the names of the president, secretary and treasurer of such corporation shall be stated, which application shall be received and filed by such clerk and preserved in his office; and the said certificate shall give authority to carry on and conduct the business of a public warehouse within the meaning of this act, and shall be revokable only by the district court of the county in which the warehouse or

warehouses are situated, upon a proceeding before the court, on complaint by written petition of any person, setting forth the particular violation of the law, and upon process, procedure and proof as in other civil cases. The person receiving a certificate, as herein provided for, shall file with the county clerk granting same a bond, payable to the State of Texas, with good and sufficient surety, to be approved by said clerk, in the penal sum of five thousand dollars, conditioned for the faithful performance of his duty as a public warehouseman, which said bond shall be filed and preserved in the office of such clerk.

Sec. 4. On application of the owner or depositor of the property stored in a public warehouse, the warehouseman shall issue, over his own signature, or that of his duly authorized agent, a public warehouse receipt therefor, to the order of the person entitled thereto; which receipt shall purport to be issued by a public warehouse, shall bear date of the day of its issue, and shall state upon its face the name of the warehouse and its location, the description, quantity, number and marks of the property stored, where such receipt is for cotton it shall state the class and weight, and the date on which it was originally received in warehouse, and that it is deliverable upon the return of the receipt, properly endorsed by the person to whose order it was issued, and on payment of all charges for storage, and insurance, which charges shall be stated in the face of the receipt. All such receipts shall be numbered consecutively, in the order of their issue; and when such receipt is for cotton the receipt shall state whether the cotton therein described is exposed to the weather or is under shelter; and a correct record of such receipt shall be kept in a well bound book, which shall be, at all reasonable hours, open to examination by any interested person; and no two receipts bearing the same number shall be issued from the same warehouse during the same year, nor shall any duplicate receipt be issued, except in the case of a lost or destroyed receipt, in which case the new receipt shall bear the same date and number as the original, and shall be plainly marked on its face "duplicate," and provided, that no such duplicate receipt shall be issued by the public warehousemen until adequate security acceptable to the warehouseman be deposited with or to the order of said warehouseman, to protect the party or parties who may finally hold the original receipt in good faith and for a valuable consideration.

Sec. 5. The supervision of public warehouses shall be under the control of the Commissioner of Insurance and Banking, whose duty it shall be to prescribe all forms of receipts, certificates, and records of whatsoever description necessary in the conduct of the business of public warehouses; and in providing forms for handling those products which are of general commercial character, the said commission shall prescribe forms answering to all usual requirements of negotiable receipts of certificates. The Commissioner of Insurance and Banking is hereby empowered and directed to make not less than one examination each year of all such public warehouses, the necessary expense of such examination or examinations to be paid by the warehouse.

Sec. 6. The Commissioner of Insurance and Banking shall provide a uniform public warehouse receipt for cotton which shall be used by all public warehouses coming under the provisions of this act, which said receipt shall conform in all respects to the provisions herein set out. In addition to the other provisions such receipt shall have a blank form on the back thereof, to be filled in and signed by the owner of the cotton showing whether or not such cotton is free from encumbrance or liens of any kind.

Sec. 7. If there is any encumbrance or liens of any kind on said cotton at the time of its storage the nature and amount of same shall be clearly set out and it is hereby made the duty of the public warehouseman or his authorized agent issuing the receipt, to have said blank filled in and signed by the owner of the cotton before issuing a negotiable receipt against same; provided, however, such statement need not be made if a non-negotiable receipt is desired, but in such cases the public warehouseman issuing said receipt shall write or stamp across the face thereof the words "Not negotiable."

Sec. 8. If a person holding a non-negotiable receipt for cotton as is herein provided for, shall desire to obtain a negotiable receipt in lieu thereof, he shall return said non-negotiable receipt to the public warehouse issuing same and thereupon shall comply in every respect with the provisions of this chapter relating to negotiable receipts, and upon compliance therewith a negotiable receipt shall be issued to him in lieu of said non-negotiable receipt and said non-negotiable receipt thereupon shall be cancelled, and the word "cancelled" plainly marked in ink across the face thereof.

Sec. 9. Any person making a false statement concerning liens, mortgages, encumbrances or indebtedness of whatsoever nature against the cotton, or who shall in any particular conceal the existence of liens, mortgages, encumbrances or indebtedness of any kind that may exist against such cotton, or who shall fail to truthfully make the statements provided for by this act, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of one thousand dollars, or imprisonment in the penitentiary for one year, or by both such fine and imprisonment.

Sec. 10. No public warehouse receipt shall be issued except upon the actual previous delivery of the goods in the public warehouse or on the premises, and under the control of the public warehouseman by whom it purports to be issued; and the name of the warehouse shall invariably be specified in such receipt.

Sec. 11. On the presentation and return to the warehouseman of any public warehouse receipt issued by him and properly indorsed, and the tender of all proper warehouse charges upon the property represented by it, such property shall be delivered immediately to the holder of such receipt; but no public warehouseman who shall issue a receipt for goods shall, under any circumstances or upon any order or guarantee whatsoever, deliver the property for which receipts have been issued, until the said receipt shall have been surrendered and cancelled, except in case of lost receipts, as provided for in Section 4; and, in default of the strict compliance with the provisions of this article, he shall be held liable to the legal holder of the receipt for the full value of the property therein described, as it appeared on the day of the default, and shall, furthermore, be liable to the special penalty herein provided. Upon delivery of the goods from the warehouse, upon any receipt, such receipt shall be plainly marked in ink across its face with the word "cancelled," with the name of the person cancelling the same, and shall thereafter be void, and shall not again be put in circulation.

Sec. 12. No public warehouseman shall insert in the public warehouse receipt issued by him any language limiting or modifying his liabilities or responsibilities as imposed by the laws of this State, excepting, "not accountable for leakage or depreciation," or words of like import and meaning.

Sec. 13. The receipt issued against property stored in public warehouses, as

herein provided for, shall be negotiable and transferable by endorsement in blank or by special endorsement, and delivery in the same manner and to the same extent as bills of exchange and promissory notes now are, without other formality; and the transferee or holder of such public warehouse receipt shall be considered and held as the actual and exclusive owner, to all intents and purposes, of the property therein described, subject only to the lien and privilege of the public warehouseman for storage and other warehouse charges; provided, however, that all such public warehouse receipts as shall have the words "not negotiable" plainly written or stamped on the face thereof, shall be exempt from the provisions of this article; and provided further, that no public warehouseman shall issue warehouse receipts against his own property in his own warehouse; but, upon sale of such property in good faith may issue to the purchaser his public warehouse receipt in form and manner as herein provided, which issue and delivery of the receipt shall be deemed to complete the sale, and shall constitute the purchaser full owner, as aforesaid, of the property therein described. Nothing in this last clause shall be construed to exempt the issuer of said receipt for his own goods in his own public warehouse, from complying with and being in all respects to all other articles of this chapter.

Sec. 14. Any public warehouseman who violates any of the provisions of this law shall be deemed guilty of criminal offense, and upon indictment and conviction thereof, shall be punished by fine in any sum not exceeding five thousand dollars, or imprisonment in the State penitentiary not exceeding two years, or by both such fine and imprisonment.

Sec. 15. Any, every and all persons aggrieved by the violations aforesaid shall have the right to maintain an action against the person or persons, corporation or corporations, so violating any of the provisions of this law, for the recovery of damages which he or they may have sustained by reason of such violation aforesaid, before any court of competent jurisdiction, whether such person or persons so violating shall have been convicted of criminal offense under this law or not.

Sec. 16. Nothing in this law shall be construed to apply to private warehouses or to the issue of receipts by their owners or managers under existing laws, or to prohibit public warehousemen from issuing such receipts as are now issued

by private warehousemen under existing laws; provided, that such private warehouse receipts issued by public warehousemen shall never be written on a form or blank indicating that it is issued from a public warehouse, but shall, on the contrary, bear on its face, in large characters, the words "not a public warehouse receipt."

Sec. 17. For the purpose of establishing greater security in cotton stored in public warehouses and facilitating the negotiability of public warehouse receipts or certificates, there is hereby created a State board of examiners, to be composed of three members, who shall be appointed by the Governor for a period of two years, and who shall receive compensation at the rate of ten dollars per day and necessary traveling expenses for the time actually engaged in the performance of such duties, to be paid out of any funds in the State Treasury not otherwise appropriated. It shall be the duty of such board to meet at least once each year in some central location, notice of which time and place of meeting shall be published in at least five daily papers in different parts of the State thirty days before the date set for the meeting, such meeting or meetings not to exceed six days in any one year; and to hold examinations of all persons presenting themselves for examination as cotton classers, and to issue certificates of proficiency to those who successfully meet the requirements of such rules as the said board may establish for this purpose. The board shall require from each applicant for examination the payment of an examination fee of three dollars, which sums shall be paid into the State Treasury. It shall be the duty of all persons conducting public warehouses to have in their employ some person possessing a certificate of proficiency as a cotton classer from the State board of cotton grading examiners, and it shall be the duty of such cotton classers to classify all cotton received by such public warehouse for storage and for which a receipt or certificate is issued.

Sec. 18. The fact that the existing law regarding the regulation of bonded warehouses is inadequate to meet the requirements of commerce and properly safeguard the handling of cotton and other products stored in such warehouses creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be placed on its third reading and



final passage and take effect and be in force from and after its passage, and it is so enacted.

#### PETITION.

By Senator Gibson:

A resolution from the Paris Board of Trade requesting the Governor to submit certain legislation.

#### TWENTY-FOURTH DAY.

Senate Chamber,  
Austin, Texas,  
Monday, August 18, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Terrell.

(See Appendix for standing committee reports.)

Morning call concluded.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Lattimore:

Resolved, That the chairman of the Contingent Committee be instructed to pay Ellis Monroe, Chester Odom, Erwin Hatcher and Horace Nichols, porters, \$2 per day for two days each for cleaning the Senate Chamber before Senate convened.

The resolution was read and adopted.

#### EXECUTIVE SESSION—TIME SET FOR.

The Chair here announced that the hour for the Senate to hold executive session had arrived, and

Senator McNealus moved that the executive session be postponed and that the Senate hold executive session tomorrow morning at 10 o'clock, for the purpose of considering appointments sent to the Senate on August 12, 14, 15 and 16.

#### OATH OF OFFICE ADMINISTERED.

Senator Hudspeth asked unanimous consent to make a privileged motion in writing, which motion is as follows:

Whereas, The Hon. W. L. Hall has been elected a State Senator to fill the unexpired term of Senator J. E. Kauffman, deceased; and

Whereas, It is conceded that Hon. W. L. Hall has been elected by a large majority; therefore, be it

Resolved, That Mr. Hall be called to the President's stand and the oath of office as a State Senator be administered to him.

The above motion was read, and

Senator Lattimore made the point of order that the motion was not a privileged motion and could not displace the pending motion, and the Chair sustained the point of order.

Senator McNealus then withdrew his motion, and action recurred on motion by Senator Hudspeth, and the same was adopted.

Senator-elect Hall was escorted to the President's stand, whereupon the constitutional oath of office was administered him by Lieutenant Governor Mayes.

#### EXECUTIVE SESSION—TIME SET FOR.

Action then recurred on the motion to fix the time for executive session to consider the appointments sent to the Senate by the Governor, that have not been confirmed, which motion was adopted.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to



inform the Senate that the House has passed the following bills:

House bill No. 35, A bill to be entitled "An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to prohibit the interstate shipment and transportation of intoxicating liquors, prohibiting any person, firm, corporation or any office, agent or employe thereof, from delivering to any other person, firm, corporation or any officer, agent or employe thereof, any intoxicating liquor for shipment, transportation or carriage from any point within this State to any other point within this State; prohibiting any person, firm, corporation or any officer, agent, or employe thereof from receiving for shipment, transportation or carriage, or from shipping, transporting, carrying or delivery any intoxicating liquor from any point within this State to any other person, firm or corporation, or any officer, agent or employe thereof, within this State; providing that this act shall not apply to any person personally carrying any intoxicating liquor from any point within this State to any other point within this State for the use of himself or members of his family residing with him; providing this act shall not apply to the transportation, carriage, or delivery of intoxicating liquors to persons licensed under the laws of this State to sell spirituous, vinous or malt liquors; providing that this act shall not prohibit the shipment, transportation or delivery by persons licensed under the laws of this State to sell spirituous, vinous or malt liquors within the county or subdivision of a county in which such persons are authorized or licensed under the laws of this State to pursue such business; providing that this act shall not apply to the interstate shipment or delivery of intoxicating liquors; providing exception to this act for sacramental purposes; providing penalties for violation of the provisions of this act, repealing all laws in conflict herewith; providing that if any section or part of this act shall be held to be invalid that this fact shall not invalidate any other part of this act; and declaring an emergency,' and repealing Section 8 and providing for the shipment, transportation, carriage and delivery of alcohol to drug stores, hospitals, educational or eleemosynary institutions of this State for scientific or medicinal purposes; and prohibiting the transportation, carriage and delivery of intoxicating liquor within this State or the shipment originating and beyond the

limits as well as within this State, and declaring an emergency."

House bill No. 36, A bill to be entitled "An Act to amend Articles 7435, 7442, 7443, 7451 and 7452, of the Revised Civil Statutes of the State of Texas, so as to provide for fixing of the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and providing for the reinstatement of such license, and declaring an emergency."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILLS ON FIRST READING.

The Chair (Lieutenant Governor Mayes) referred, after their captions had been read, the following House bills:

House bill No. 35, referred to Judiciary Committee No. 2.

House bill No. 36, referred to Judiciary Committee No. 2.

#### HOUSE BILL NO. 57.

The pending business being a motion to suspend the pending business and take up Senate bill No. 41, unanimous consent was given to take up House bill No. 57.

The Chair laid before the Senate, on second reading,

House bill No. 57. A bill to be entitled "An Act to amend Chapter 1, Title 11, of the Revised Civil Statutes of this State of 1911, relating to attachments, by adding thereto Article 247a, providing for the issuance of attachments in suits founded in tort and upon unliquidated demands, and providing for the fixing of the amount of bond in such cases, and declaring an emergency."

The bill was read second time and passed to a third reading.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—28.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Carter.	Oliver.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Hall.	Nugent.
Morrow.	

The bill was read third time and passed by the following vote:

## Yeas—28.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Carter.	Oliver.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Hall.	Nugent.
Morrow.	

Senator Westbrook moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 53, A bill to be entitled "An Act granting permission to the Imperial Sugar Company, a private corporation, its successors and assigns, to

bring suit or suits against the State of Texas and the Prison Commission of the State of Texas for specific performance and to ascertain, fix and establish the amount of any damages that may accrue to and be sustained by the Imperial Sugar Company, its successors and assigns, for any breach that may take place of a certain agreement entered into between the Imperial Sugar Company and the Prison Commission, approved by the Governor, for the sale and delivery for — years of the sugar cane that is grown on 2250 acres of the State's lands, being a part of its penitentiary system, the said contract being entered into contemporaneously with an agreement by which the Imperial Sugar Company agrees to dismiss its suit against the Prison Commission of Texas now pending in the district court of Fort Bend county, being cause No. 7151 on the docket of said court, styled 'Imperial Sugar Company vs. Ben E. Cabell et al.,' in which is involved the title to what is known as the Imperial Farm, heretofore purchased by the State of Texas from the Imperial Sugar Company, and containing 5435 acres of land, more or less, situated in Fort Bend county, Texas, the said suit to be dismissed by the plaintiff and said lands conveyed unconstitutionally to the State of Texas free from all liens and encumbrances whatsoever in consideration that the said Imperial Sugar Company, its successors and assigns, be granted the right to bring suit or suits for specific performance and for damages that may be sustained for any breach of said contract or agreement for the sale and delivery of sugar cane; fixing the venue of any such suit or suits, and declaring an emergency."

House bill No. 54, A bill to be entitled "An Act to amend Section 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's liens on real estate, and providing that said sections shall hereafter read as follows, and declaring an emergency."

House bill No. 78, A bill to be entitled "An Act providing for the abolition of drainage districts, heretofore organized, or that may hereafter be organized, under the General Laws of the State of Texas, and providing a method for the creation of a trustee and treasurer to take charge of the property and effects

of said abolished district, and for the collecting of claims or debts against such districts, and winding up the affairs thereof, and declaring an emergency."

Respectfully,

W. R. LONG,

Chief Clerk House of Representatives.

#### HOUSE BILLS ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after their captions had been read, the following House bills:

House bill No. 53, referred to Judiciary Committee No. 1.

House bill No. 54, referred to Judiciary Committee No. 1.

House bill No. 78, referred to Committee on Mining and Irrigation.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Townsend:

I move that after this time and for the remaining portion of this session of the Legislature that we take up House bills only, with the exception of Senate local bills.

The resolution was read and Senator Terrell moved to table the same, which motion was adopted by the following vote:

Yeas—16.

Astin.	McNealus.
Bailey of De Witt.	Morrow.
Bailey of Harris.	Oliver.
Darwin.	Real.
Gibson.	Terrell.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Willacy.

Nays—9.

Carter.	Taylor.
Clark.	Townsend.
Conner.	Westbrook.
Lattimore.	Wiley.
McGregor.	

Present—Not Voting.

Brelsford.	Hall.
Collins.	Harley.
Cowell.	

Absent.

Nugent.

#### SENATE BILL NO. 41.

(Pending Business.)

Action recurred on the pending motion to suspend the regular order of business and take up, out of its order, Senate bill No. 41.

Senator McGregor moved to table the motion, which motion was lost by the following vote:

Yeas—13.

Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McGregor.
Clark.	Townsend.
Collins.	Westbrook.
Hall.	Wiley.
Harley.	Willacy.
Johnson.	

Nays—14.

Astin.	Nugent.
Carter.	Oliver.
Darwin.	Real.
Gibson.	Taylor.
Greer.	Terrell.
Hudspeth.	Warren.
McNealus.	Watson.

Present—Not Voting.

Brelsford.	Cowell.
Conner.	

Absent.

Morrow.

Action then recurred on the motion to suspend the regular order of business and take up Senate bill No. 41, which motion was lost by the following vote, a two-thirds vote being necessary:

Yeas—13.

Astin.	Oliver.
Darwin.	Real.
Greer.	Terrell.
Hudspeth.	Warren.
McNealus.	Watson.
Morrow.	Willacy.
Nugent.	

Nays—15.

Bailey of DeWitt.	Johnson.
Bailey of Harris.	Lattimore.
Clark.	McGregor.
Collins.	Taylor.
Conner.	Townsend.
Gibson.	Westbrook.
Hall.	Wiley.
Harley.	

Present—Not Voting.

Brelsford.	Cowell.
Carter.	

## SENATE BILL NO. 23.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 23, A bill to be entitled "An Act to name the several counties composing the Sixty-third Judicial District and fix the time for holding district courts therein and to repeal all laws in conflict therewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—31.

Astin.	Lattimore.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

The bill was read third time and passed by the following vote:

Yeas—29.

Astin.	Johnson.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Oliver.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Watson.
Greer.	Westbrook.
Hall.	Wiley.
Harley.	Willacy.
Hudspeth.	

Absent.

Terrell. Warren.

Senator Hudspeth moved to reconsider

the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 79, A bill to be entitled "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand, and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for the use of such cars if demand be made therefor; requiring such applicants to load cars when so furnished within forty-eight hours after delivery of same, and providing penalties; requiring the parties to whom such cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against any railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, and declaring an emergency."

House bill No. 84, A bill to be entitled "An Act to authorize the Governor to sell and conditionally relinquish to J. J. Kane of the city of Galveston, his heirs and assigns, or other persons, any right, title or claim the State of Texas has in and to certain flats, or lands under water, on the shores of Galveston bay, in Galveston county, for the purpose of the construction of a dry dock or marine railway, and authorizing the Governor of the State of Texas to make necessary conveyances, and declaring an emergency."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

## HOUSE BILLS ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after their captions had been read, the following House bills:

House bill No. 79, referred to Committee on Commerce and Manufacturers.

House bill No. 84, referred to Committee on Internal Improvements.

#### HOUSE BILL NO. 44.

The Chair laid before the Senate, on second reading and special order,

House bill No. 44, A bill to be entitled "An Act to amend Chapter 5 of the Revised Criminal Statutes of Texas of 1911, and Title 131 of the Revised Civil Statutes of Texas of 1911; providing for the conduct of the business of public warehousemen, describing what constitutes such warehouse, and defining who shall be held to be public warehousemen; providing that all persons, firm and corporations, associations of persons, shall obtain a certificate of authority from the county clerk of the county in which they intend to engage in said business of warehousemen, and defining the requisites of said certificate; providing that such warehousemen shall issue negotiable and non-negotiable receipts for property stored in such warehouses, and vesting the supervision of such public warehouses in the Commissioner of Insurance and Banking, and defining his duty with reference to such warehouses, and directing said Commissioner to prescribe uniform public warehouse receipts for cotton; and requiring that any encumbrance on cotton stored in public warehouses shall be disclosed in the endorsement on the back of such negotiable receipt or certificate, and providing a penalty for failure to truthfully disclose such facts; preventing public warehousemen, by provisions inserted in their receipts, from limiting their liability under the law; providing for the negotiability of receipts issued; providing a penalty for public warehousemen who violate the provisions of this act; providing the conditions under which private warehousemen may conduct such business; providing for the appointment of a board of cotton grading examiners and defining their duties; requiring public warehousemen storing cotton to employ a competent cotton classer, and affixing a penalty for failure to do so."

Senator Lattimore moved that the committee report be amended so as to read "be not printed, but printed in the Journal," which motion prevailed.

The committee report was adopted.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend House bill No. 44 as follows:

Amend caption, line 1, by inserting after the word "amend," and before the word "chapter," the following: "Articles 969, 970, 971, 972, 973, 974, 975, 976 and 977, of" and by inserting after the words and figures "Chapter 5," the following: "Title 14," and by inserting before the word "Revised" the following: "Penal Code of the," and further amend said caption, line 2, by inserting after the word "and," the following: "to amend Articles 7819, 7820, 7821, 7822, 7823, 7824, 7825, 7826 and 7827," also amend Section 1 of said bill, line 2, by inserting the words "Title 14," between the figure "5" and the word "of," and the words "Penal Code of the" between the words "the" and the word "Revised."

The bill was read second time and passed to a third reading.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Johnson.
Bailey of Harris.	Lattimore.
Brelsford.	McGregor.
Carter.	McNealus.
Clark.	Morrow.
Collins.	Oliver.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Bailey of DeWitt. Terrell.  
Nugent.

Senator Morrow offered the following amendment:

Amend the bill, page 2, line 35, by inserting after the word "warehouseman," the following: "to safely preserve such cotton, and deliver the same to the holder of the warehouse receipt, or pay the value thereof."

The amendment was read and adopted by the following vote:

Yeas—25.

Astin.	Collins.
Brelsford.	Conner.
Carter.	Darwin.
Clark.	Greer.



Hall.	Real.
Harley.	Taylor.
Hudspeth.	Terrell.
Johnson.	Townsend.
Lattimore.	Warren.
McGregor.	Watson.
Morrow.	Westbrook.
Nugent.	Wiley.
Oliver.	

Present—Not Voting.

Willacy.

Absent.

Bailey of De Witt.	Gibson.
Bailey of Harris.	McNealus.
Cowell.	

Senator Lattimore offered the following motion in writing:

I move that the Senate rescind the vote by which House bill No. 44 was passed to third reading.

The motion was read and adopted.

Senator Darwin offered the following amendment:

Amend the bill, page 6, by striking out Section 16.

WILLACY,  
DARWIN.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator McNealus:

Resolved, That the special committee having charge of the placing of an order for the Senate Chamber picture of the members of the Thirty-third Senate be authorized and instructed to have a supplemental order filled, so as to place on the bottom margin of the picture the photographs of the six Senators elected to fill vacancies and who are now serving in the Senate, namely, I. E. Clark, Earl M. Greer, James A. Harley, John H. Bailey, A. C. Oliver and W. L. Hall; also that the word "supplemental" be placed above these photographs and the words "served to fill vacancies" be placed below them.

The resolution was read and adopted.

Senator Westbrook moved that Senator

McNealus be added to the committee, which motion prevailed.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 25, A bill to be entitled "An Act to authorize the Governor, Attorney General and Land Commissioner to lease the water rights in the Guadalupe river in DeWitt county upon such terms and for such consideration as they may prescribe, and providing priority of interest in leasing and also providing means of adjusting damage for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation; the manner of measuring water; and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made and fixing the rights of purchasers of said leaseholds, and declaring an emergency," with amendments.

Senate bill No. 45, A bill to be entitled "An Act creating the Files Valley Orphans' Home Independent School District; providing for the appointment of trustees of said district; defining the boundaries, and declaring an emergency."

Senate bill No. 22, A bill to be entitled "An Act to create a more efficient road law for Hall county, and declaring an emergency."

The House adopts Free Conference Committee report on Senate bill No. 3 by the following vote: Yeas, 104; nays, 2.

Respectfully,

W. R. LONG,

Chief Clerk House of Representatives.

## HOUSE BILL NO. 24—REPORT OF FREE CONFERENCE COMMITTEE.

By Senator McGregor:

Committee Room,  
Austin, Texas, August 18, 1913.Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell,  
Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred House bill No. 24, with Senate amendments thereto, have had same under consideration at a session of said committee, and beg leave to report it back to the Senate and House with the recommendation that it do not pass, but that the accompanying Free Conference Committee Substitute for House bill No. 24 do pass in lieu thereof.

McGREGOR,  
BRELSFORD,  
TAYLOR,  
BAILEY,  
JOHNSON,  
WILLACY,  
On the part of the Senate.  
WORTHAM,  
HILL,  
GOODNER,  
KIRBY,  
WOODS of Navarro,  
On the part of the House.

## A BILL

To be entitled

An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, to wit: State Orphans' Home; Confederate Home; Confederate Woman's Home; Blind Institute; Deaf and Dumb Institute; Epileptic Colony; Deaf, Dumb and Blind Institute for Colored Youths; State Institution for the Training of Juveniles; Tuberculosis Sanitarium at Carlsbad; State Lunatic Asylum; Southwestern Insane Asylum, and North Texas Hospital for the Insane and State Training School for Girls and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the salaries of officers and employes and other expenses necessary for the support and maintenance of certain eleemosynary institutions of the State from September 1, 1913, to August 31, 1915, as follows, to wit:

## State Orphans' Home.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent, with provisions for himself and family not to exceed \$500 per annum, and fuel, lights, laundry, water and housing.....	\$ 1,800 00	\$ 1,800 00
Salary of principal of school, with board for nine months	810 00	810 00
Salary of chaplain to act as teacher during school time in connection with his duties as chaplain.....	720 00	720 00
Salary of teacher of English and Latin.....	540 00	540 00
Salary of teacher of history and civics.....	540 00	540 00
Salary of teacher of music, vocal and instrumental.....	540 00	540 00
Salary of teacher of commercial course.....	540 00	540 00
Salary of two primary teachers at \$45 per month each.	810 00	810 00
Salary of one grade teacher.....	405 00	405 00
Salary of instructor in cooking, sewing and manual training .....	1,000 00	1,000 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of head matron.....	\$ 540 00	\$ 540 00
Salary of one assistant matron and four ward matrons	1,500 00	1,500 00
Salary of chief cook.....	500 00	500 00
Salary of two assistant cooks.....	600 00	600 00
Salary of one assistant laundress.....	240 00	240 00
Salary of stewardess.....	240 00	240 00
Salary of head laundress.....	300 00	300 00
Salary of industrial manager.....	1,200 00	1,200 00
Salary of farm laborers and gardeners.....	600 00	600 00
Salary of night watchman.....	420 00	420 00
Salary of physician not to live at the Home.....	600 00	600 00
Salary of trained nurse in hospital.....	720 00	720 00
Salary of engineer, electrician and plumber.....	900 00	900 00
Salary of shoe and harness repairer.....	420 00	420 00
Salary of instructor in broom and mattress factory....	660 00	660 00
Salary of carpenter and blacksmith.....	660 00	660 00
Salary of three seamstresses.....	720 00	720 00
Salary of storekeeper and accountant.....	900 00	900 00
Salary of band instructor.....	300 00	300 00
Material, supplies and machinery for mattress factory.	400 00	400 00
General repairing for powerhouse.....	250 00	250 00
Rebuilding and repairing electric lines, and for the purchase of fire extinguishers.....	2,000 00	500 00
Repairing heating lines.....	150 00	150 00
Sewer and plumbing.....	250 00	250 00
Material for heating and light plant.....	300 00	300 00
Fuel .....	4,000 00	4,000 00
Postage and stationery.....	200 00	200 00
School supplies, books, crayon, tablets, pencils, furni- ture, etc.....	600 00	600 00
Transportation .....	250 00	250 00
Telephone rent .....	100 00	100 00
Purchasing mules, horses, vehicles and farm imple- ments .....	600 00	300 00
General maintenance and pay for board of managers...	30,360 00	30,360 00
Improving grounds and driveways.....	300 00	300 00
Stock and forest trees.....	75 00	75 00
Installing storage batteries for lighting purposes for dormitories .....	500 00	500 00
For the construction and furnishing of toilet and bath room to be 18x18, equipped with five comodes and three bath tubs; said building to be of brick with concrete floor and metal roof.....	1,200 00	
For the construction, equipping and installing appa- ratus in manual training, domestic science, domestic art and commercial building complete.....	15,000 00	
Total .....	\$ 76,260 00	\$ 58,260 00

Provided, that the interest on all securities held by the Orphan Asylum fund is hereby appropriated in part payment of the appropriation of the State Orphan Home, the remainder of the appropriation to be paid out of the general revenue.

Provided, that all proceeds of sale of all products raised or manufactured at the State Orphan Home shall be turned into the State Treasury.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342. of Chapter 2. Title 65, of the Revised Civil Statutes of 1911.

## Confederate Home.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent with provisions for himself and family, not to exceed \$500 per annum, and fuel, light, water and housing.....	\$ 2,000 00	\$ 2,000 00
Support and maintenance, including pay for Board of Trustees, burial of the dead and compensation of chaplain .....	55,000 00	55,000 00
Salary of surgeon, to include attendance upon Confederate Woman's Home.....	2,000 00	2,000 00
For treatment of ear, eye and nose.....	300 00	300 00
Salary of storekeeper and accountant, who shall be bookkeeper .....	900 00	900 00
Salary of matron.....	480 00	480 00
Salary of apothecary.....	780 00	780 00
Salary of chief cook.....	600 00	600 00
Salary of baker.....	480 00	480 00
Salary of two assistant cooks at \$240 each.....	480 00	480 00
Salary of head waiter.....	300 00	300 00
Salary of ten waiters at \$180 each.....	1,800 00	1,800 00
Salary of chief cook at hospital.....	600 00	600 00
Salary of assistant cook at hospital.....	240 00	240 00
Salary of stewardess at hospital.....	480 00	480 00
Salary of two trained nurses.....	1,200 00	1,200 00
Salary of five male nurses.....	1,440 00	1,440 00
Salary of two night nurses.....	720 00	720 00
Salary of three hospital waiters.....	540 00	540 00
Salary of one scrubber.....	180 00	180 00
Salary of barber.....	360 00	360 00
Salary of head laundryman.....	500 00	500 00
Salaries of six laundresses.....	1,080 00	1,080 00
Salary of carpenter and plumber.....	600 00	600 00
Salary of seamstress .....	480 00	480 00
Salary of one yard man.....	240 00	240 00
To pay hostler, postmaster, wood chopper, day and night guard .....	850 00	850 00
Salary of driver of delivery wagon.....	300 00	300 00
Shoe repairing .....	400 00	400 00
Furniture and beds .....	600 00	600 00
Dry goods and clothing .....	11,000 00	11,000 00
Transportation .....	200 00	200 00
Repairs and painting .....	800 00	800 00
Books, periodicals, newspapers and postage.....	550 00	550 00
Improvements of grounds, to be expended under the supervision of the superintendent.....	600 00	600 00
Medicine, instruments and hospital supplies.....	2,500 00	2,500 00
Kitchen, dining room and laundry supplies.....	600 00	600 00
For dental work .....	300 00	300 00
Notions .....	200 00	200 00
Salary of secretary, who shall be stenographer to superintendent .....	740 00	740 00
For repairs, painting, papering, etc.....	3,000 00	
One surrey .....	125 00	
One delivery wagon .....	75 00	
One horse or mule .....	150 00	
<b>Total .....</b>	<b>\$ 96,770 00</b>	<b>\$ 93,420 00</b>

Provided, that the board of managers are hereby authorized to sell such articles of clothing, hats, shoes, queensware, dry goods and supplies as are of no use to the Home and apply the proceeds to the use of said Home.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no

expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Confederate Woman's Home.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Maintenance and Support—

Groceries, drugs, clothing, laundry, dairy, meat market, vegetables, coal, wood, gas, electric lights and water .....	\$ 12,000 00	\$ 12,000 00
Salary of cook.....	360 00	360 00
Salary of janitor and yardman.....	480 00	480 00
Salary of night watchman .....	480 00	480 00
Salaries of two attendants.....	480 00	480 00
Salaries of two dining room waiters, who shall also assist with kitchen work .....	480 00	480 00
Salaries of trained nurses to be called at discretion of the superintendent .....	600 00	600 00
Salary of superintendent .....	1,200 00	1,200 00
General repairs and plumbing .....	400 00	400 00
Improvements .....	375 00	
Total .....	\$ 17,005 00	\$ 16,630 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Blind Institute.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per annum, fuel, light, laundry, water and housing for himself and family .....	\$ 2,000 00	\$ 2,000 00
Salary of oculist .....	900 00	900 00
Salary of medical attendant .....	600 00	600 00
Salary of storekeeper and accountant with board for self and wife .....	1,200 00	1,200 00
Salary of matron eleven months, with board.....	550 00	550 00
Salary of second matron, ten months, with board.....	500 00	500 00
Salary of principal .....	1,500 00	1,500 00
Salaries of three high school teachers.....	2,700 00	2,700 00
Salary of eighth grade teacher.....	675 00	675 00
Salary of seventh grade teacher.....	675 00	675 00
Salary of sixth grade teacher.....	675 00	675 00
Salary of fifth grade teacher .....	675 00	675 00
Salary of fourth grade teacher .....	675 00	675 00
Salary of third grade teacher.....	675 00	675 00
Salary of second grade teacher.....	900 00	900 00
Salary of first grade and kindergarten teacher.....	900 00	900 00
Salary of kindergarten assistant .....	540 00	540 00
Salary of teacher of typewriting and telegraphy.....	675 00	675 00
Salary of teacher of pipe organ, piano and harmony..	810 00	810 00
Salary of teacher of orchestral instruments.....	810 00	810 00
Salary of piano, mandolin and guitar teacher.....	765 00	765 00
Salary of teacher of vocal music.....	675 00	675 00



For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of teacher of piano tuning and repairing and keeping all pianos in tune and repair. . . . .	\$ 675 00	\$ 675 00
Salary of teacher of piano and music reader. . . . .	675 00	675 00
Salary of teacher of piano and music reader. . . . .	675 00	675 00
Salary of assistant teacher of orchestral instruments and piano . . . . .	675 00	675 00
Salary of violin teacher. . . . .	540 00	540 00
Salary of director of girls' industrial department. . . . .	675 00	675 00
Salary of assistant teacher of girls' industrial department without board. . . . .	360 00	360 00
Salary of director of boys' industrial department ten months without board. . . . .	720 00	720 00
Salary of teacher of boys' industrial department without board . . . . .	550 00	550 00
Salary of trained nurse for girls, nine months with board . . . . .	540 00	540 00
Salary of trained nurse for boys, nine months with board . . . . .	540 00	540 00
Salary of physical director for girls. . . . .	540 00	540 00
Salary of physical director for boys. . . . .	540 00	540 00
Salaries of all teachers, not otherwise specified, are for nine months and without board, except those who may be assigned to do dormitory duties and other resident work; provided, the Superintendent in his report shall give the name of every teacher who thus gets board; and provided further, the teacher appointed chief monitress shall receive \$5 per month additional salary . . . . .	45 00	45 00
Salaries of two seamstresses nine months, and one seamstress three months, with day board. . . . .	630 00	630 00
Salary of house mother for little girls nine months with board . . . . .	315 00	315 00
Salary of house mother for little boys nine months with board . . . . .	315 00	315 00
Salary of housekeeper for large boys nine months with board . . . . .	315 00	315 00
Salary of supervisor of dining room, study hall, showing visitors around, and doing dormitory duty, nine months with board. . . . .	450 00	450 00
Salary of night watchman twelve months without board	600 00	600 00
Salary of engineer, electrician and plumber twelve months with day board. . . . .	900 00	900 00
Salary of assistant engineer, electrician and plumber, ten months with board. . . . .	500 00	500 00
Salary of second assistant engineer five months with board . . . . .	150 00	150 00
Salary of yard man twelve months with board. . . . .	360 00	360 00
Salary of assistant yard man and hostler twelve months with board . . . . .	360 00	360 00
Salary of janitor of school building nine months with board . . . . .	270 00	270 00
Salary of office assistant and stenographer. . . . .	480 00	480 00
Salary of carpenter and painter twelve months, with day board . . . . .	480 00	480 00
Salaries of one baker and five cooks nine months, with board . . . . .	1,665 00	1,665 00
Salaries of five dining room girls nine months, with board . . . . .	900 00	900 00
Salaries of four chambermaids nine months, with board	720 00	720 00
Salary of head laundress twelve months, with board. . . . .	360 00	360 00
Salaries of five assistant laundresses nine months, with board . . . . .	900 00	900 00
Salary of one cook three summer months, with board. . . . .	90 00	90 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of one chambermaid three summer months, with board .....	\$ 60 00	\$ 60 00
Salaries of six trustees, payable monthly.....	360 00	360 00
Transportation for indigent pupils.....	1,500 00	1,600 00
Dry goods and clothing for indigent pupils.....	2,000 00	2,000 00
Fuel .....	4,000 00	4,000 00
Water, electric lighting and power.....	1,800 00	1,800 00
To purchase pianos, music in ordinary and point print, dissected maps globes, apparatus for school, kindergarten materials, school furniture, and the Superintendent is authorized to sell or exchange the old pianos now in the Institute at such price as he may be able to get for them.....	2,000 00	2,000 00
General repairs to buildings and grounds, painting buildings and fences, mending and extending concrete walks, enameling iron beds and bath tubs, repairing and upholstering furniture.....	2,700 00	2,700 00
For stamps, stationery, copy books, telephone rent, telephoning and telegraphing.....	600 00	600 00
Maintenance of girls' industrial department, materials, machines and other supplies.....	800 00	800 00
Maintenance of boys' industrial department.....	3,000 00	3,000 00
Groceries, provisions, supplies, printing, medicines, supplies for oculist, contingent and miscellaneous expenses .....	2,500 00	2,500 00
To purchase swings, graphophones and records, and to provide for other forms of amusement and exercise for the children.....	250 00	250 00
Furniture, furnishings, floor coverings, dining room and kitchen belongings, shower baths, bath tubs, toilet and toilet supplies, and electric, steam heating and plumbing supplies .....	1,800 00	1,800 00
To purchase two horses.....	400 00	
For remodeling and making fireproof the old buildings	78,000 00	
To add third story to old buildings.....	21,000 00	
For iron and concrete porches and galleries.....	12,000 00	
For electric wiring.....	3,100 00	
For plumbing .....	6,100 00	
For replacing entire heating system.....	14,700 00	
New powerhouse and laundry.....	12,000 00	
New boiler and moving and resetting old ones.....	3,500 00	
For changing old powerhouse into hospital and equipping .....	8,500 00	
One mangle for laundry.....	1,000 00	
Sewer with all connections.....	1,100 00	
Extending the underground conduit.....	1,000 00	
For an electric motor.....	225 00	
To purchase additional grounds, or so much thereof as may be necessary.....	15,000 00	
Total .....	\$239,580 00	\$ 62,055 00

Provided, that the interest on all securities held by the Blind Institute fund is hereby appropriated in part payment of the appropriation for the Blind Institute, the remainder of the appropriation to be paid out of the general revenue.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 43-42, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or

on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said institution.

Deaf and Dumb Institute.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per year, fuel, water and housing for himself and family.....\$	2,000 00	\$ 2,000 00
Salary of principal, without board.....	1,500 00	1,500 00
Salary of first teacher, without board.....	1,150 00	1,150 00
Salary of second teacher, without board.....	1,150 00	1,150 00
Salary of third teacher, without board.....	1,000 00	1,000 00
Salary of fourth teacher, without board.....	900 00	900 00
Salary of fifth teacher, without board.....	800 00	800 00
Salary of sixth teacher, without board.....	720 00	720 00
Salary of seventh teacher, without board.....	720 00	720 00
Salary of eighth teacher, without board.....	720 00	720 00
Salary of ninth teacher, without board.....	720 00	720 00
Salary of tenth teacher, without board.....	720 00	720 00
Salary of eleventh teacher, without board.....	720 00	720 00
Salary of twelfth teacher, without board.....	660 00	660 00
Salary of thirteenth teacher, without board.....	660 00	660 00
Salary of first oral teacher, without board.....	1,000 00	1,000 00
Salary of second oral teacher, without board.....	900 00	900 00
Salary of third oral teacher, without board.....	900 00	900 00
Salary of fourth oral teacher, without board.....	800 00	800 00
Salary of fifth oral teacher, without board.....	800 00	800 00
Salary of sixth oral teacher, without board.....	800 00	800 00
Salary of seventh oral teacher, without board.....	780 00	780 00
Salary of eighth oral teacher, without board.....	780 00	780 00
Salary of ninth oral teacher, without board.....	720 00	720 00
Salary of tenth oral teacher, without board.....	720 00	720 00
Salary of eleventh oral teacher, without board.....	720 00	720 00
Salary of twelfth oral teacher, without board.....	660 00	660 00
Salary of thirteenth oral teacher, without board.....	660 00	660 00
Salary of fourteenth oral teacher, without board.....	660 00	660 00
Salary of fifteenth oral teacher, without board.....	660 00	660 00
Salary of sixteenth oral teacher, without board.....	660 00	660 00
Salary of seventeenth oral teacher, without board.....	600 00	600 00
Salary of eighteenth oral teacher, without board.....	600 00	600 00
Salary of art teacher, without board.....	720 00	720 00
Salary of instructor in printing, without board.....	720 00	720 00
Salary of instructor in shoemaking, without board....	720 00	720 00
Salary of instructor in carpentry, without board.....	720 00	720 00
Salary of instructor in tailoring, without board.....	720 00	720 00
Salary of instructor in sewing, without board.....	540 00	540 00
Salary of instructor in painting, without board.....	720 00	720 00
Salary of storekeeper and accountant.....	1,200 00	1,200 00
Salary of stenographer and assistant storekeeper and accountant, with board.....	600 00	600 00
Salary of matron, with board.....	480 00	480 00
Salary of housekeeper, with board.....	550 00	550 00
Salary of supervisor, with board.....	480 00	480 00
Salary of assistant supervisor, with board.....	480 00	480 00
Salaries of two supervisoresses for small boys, with board .....	800 00	800 00
Salaries of two supervisoresses for girls, with board..	800 00	800 00
Salary of night watchman, without board.....	600 00	600 00
Salary of engineer, electrician and plumber.....	900 00	900 00
Salary of assistant engineer and plumber, with board..	600 00	600 00
Salaries of two trained nurses, with board.....	960 00	960 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of one night supervisoress and seamstress, with board .....	\$ 400 00	\$ 400 00
Salary of gardener, with board.....	300 00	300 00
Salaries of two laborers, with board.....	540 00	540 00
Salary of one laborer, without board.....	360 00	360 00
Salary of foreman of laundry, with board.....	500 00	500 00
Salaries of seven laundresses, with board.....	1,400 00	1,400 00
Salary of baker, with board.....	600 00	600 00
Salary of chief cook, with board.....	480 00	480 00
Salary of one assistant cook for twelve months, with board .....	360 00	360 00
Salaries of two assistant cooks for twelve months, with board .....	500 00	500 00
Salaries of two chambermaids, with board.....	480 00	480 00
Salaries of seven dining room girls, with board.....	1,260 00	1,260 00
Salaries of two dining room girls for three summer months .....	120 00	120 00
Maintenance, supplies and provisions.....	45,000 00	45,000 00
Water, light and power.....	3,600 00	3,600 00
Furniture, iron beds and furnishings.....	1,500 00	1,500 00
Clothing and transportation of indigents.....	3,600 00	3,600 00
Art material .....	250 00	250 00
Salaries of board of trustees.....	360 00	360 00
Dry goods and blankets.....	2,000 00	2,000 00
Medical attention and dentistry.....	1,500 00	1,500 00
Literary and school supplies.....	1,000 00	1,000 00
Harness and tools .....	100 00	100 00
Repairs to buildings and grounds.....	2,000 00	2,000 00
For care, maintenance and education of the deaf blind...	2,000 00	2,000 00
Laundry machinery and repairs to the same.....	200 00	200 00
Picture films and amusements.....	500 00	500 00
New buildings for girls' dormitories and detention room for contagious diseases or so much thereof as may be necessary .....	30,000 00	
Addition to boys' dormitories .....	20,000 00	
Additional appropriations needed to equip new girls' and boys' dormitories, beds, mattresses and blankets.		2,500 00
Steel lockers .....		1,500 00
Wiring, plumbing, lighting and heating same.....		2,000 00
Tearing down rotten front porch (4 stories) and replacing with one-story stone structure.....		2,000 00
Erecting two-story brick storeroom, in place of present dangerous wooden structure .....		7,000 00
Rewiring entire institution.....		2,000 00
Two new boilers and installing same.....		8,000 00
To provide ventilation for girls' toilet and bath. renew floors in girls' dormitories, to provide apparatus for little children's playgrounds, and to purchase new sewing machines .....		1,000 00
For screening all upper galleries and windows, with iron grating to protect children from falling.....	1,200 00	
For two fire escapes for school building.....	2,500 00	
For fireproof steel lockers for dormitories to replace present out of date and worn out ones which are fire traps .....		2,500 00
Painting iron roofs of all buildings.....		750 00
Insurance of all institution buildings.....	1,500 00	
Instructors needed to new departments instituted, etc.—		
Teacher of bookkeeping and typewriting.....	720 00	720 00
Teacher of domestic science.....	500 00	500 00
Physical director and instructor in gymnasium work and physical culture .....	720 00	720 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Equipping dental office and barber shop.....	\$ 500 00	
Equipping gymnasium, and heating, lighting and plumbing for same .....	4,000 00	
One janitor, who shall also serve as supervisor of boys on third floor of dormitory.....	480 00	\$ 480 00
One supervisoress of girls, who shall have charge of girls in new dormitory.....		400 00
Total .....	\$175,600 00	\$144,350 00

Provided, that the interest on all securities held by the Deaf and Dumb Institute funds are hereby appropriated, the remainder to be paid out of the general revenue.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

#### Epileptic Colony.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent, provided he shall receive provisions not to exceed \$500 per year, and fuel, lights, water and housing for himself and family.....	\$ 2,000 00	\$ 2,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of druggist and stenographer .....	720 00	720 00
Salary of storekeeper and accountant.....	900 00	900 00
Salary of supervisoress .....	480 00	480 00
Salary of supervisor .....	600 00	600 00
Salary of matron.....	600 00	600 00
Salary of engineer .....	1,100 00	1,100 00
Salary of assistant engineer and electrician.....	600 00	600 00
Salaries of three firemen.....	1,080 00	1,080 00
Salary of laundryman or laundress.....	420 00	420 00
Salaries of four laundresses .....	960 00	960 00
Salary of head seamstress .....	300 00	300 00
Salaries of three seamstresses .....	720 00	720 00
Salaries of four dining room girls.....	960 00	960 00
Salaries of 28 day and night attendants.....	8,400 00	8,400 00
Salary of outside nightwatch.....	360 00	360 00
Salaries of two skilled nurses .....	840 00	840 00
Salary of head farmer .....	480 00	480 00
Salary of gardener .....	360 00	360 00
Salaries of two farm hands .....	480 00	480 00
Salary of dairyman.....	300 00	300 00
Salaries of nine cooks.....	2,700 00	2,700 00
Salary of carpenter.....	480 00	480 00
Salary of baker.....	360 00	360 00
Salary of tailor.....	360 00	360 00
Salary of plasterer and painter.....	480 00	480 00
Salary of shoemaker.....	360 00	360 00
Salary of chaplain.....	300 00	300 00



For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Maintenance and support, including groceries, transportation, medical stores, surgical instruments and tools, drugs and pay for managers, water, light, fuel, including mileage .....	\$ 50,000 00	\$ 50,000 00
Tailor supplies .....	200 00	200 00
Literature and amusements.....	450 00	450 00
Dry goods .....	6,000 00	6,000 00
Horses, mules, cows and hogs.....	500 00	500 00
Trees and seeds.....	250 00	250 00
Farm and grounds.....	300 00	300 00
To purchase furniture.....	1,000 00	1,000 00
Wagons, hacks and harness.....	500 00	500 00
General repairs .....	1,000 00	1,000 00
For new pumps at lake, pipe and excavating and settling tank .....	4,000 00	
Fire fighting equipment, as per estimate of State Fire Marshall S. W. English, or so much thereof as may be necessary .....	10,000 00	
For increase in laundry.....	5,000 00	
For laundry machinery.....	1,000 00	
For carpenter shop, machine shop and machinery.....	1,000 00	
For storeroom and employes' house.....	10,000 00	
To build and equip four buildings, two each year, for housing 160 patients.....	37,500 00	37,500 00
For repairing filters.....	600 00	
For silos .....	500 00	500 00
Recreation building .....	4,000 00	
In the event the additional cottages are allowed, the following appropriations are made:		
Maintenance and support.....		10,000 00
Six day and night attendants.....		1,800 00
Two cooks .....		600 00
Total .....	\$163,800 00	\$140,800 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

#### Deaf, Dumb and Blind Institute for Colored Youths.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Superintendent.....	\$ 1,500 00	\$ 1,500 00
Salary of principal.....	810 00	810 00
Salary of one music teacher.....	450 00	450 00
Salary of instructor in broom and mattress making...	450 00	450 00
Salary of one shoemaker.....	600 00	600 00
Salary of one seamstress and teacher.....	450 00	450 00
Salary of head laundryman.....	360 00	360 00
Salary of matron of dining hall.....	360 00	360 00
Salary of night watchman.....	300 00	300 00
Salary of engineer and plumber.....	600 00	600 00
Salary of head cook.....	420 00	420 00
Salary of assistant cook.....	180 00	180 00
Salary of preceptress and nurse.....	450 00	450 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of instructor in tailoring.....	\$ 450 00	\$ 450 00
Salary of oculist.....	600 00	600 00
Salary of storekeeper and accountant.....	480 00	480 00
Salary of matron for small boys.....	225 00	225 00
Salary of matron for large boys.....	270 00	270 00
Salary of a farmer and gardener.....	300 00	300 00
Salary of gardener and laborer.....	300 00	300 00
Salary of Board of Trustees.....	300 00	300 00
Salary of three class room teachers for the blind.....	1,350 00	1,350 00
Salary of three class room teachers for the deaf.....	1,350 00	1,350 00
Transportation for indigent pupils.....	500 00	500 00
Repairs and improvements.....	1,000 00	1,000 00
For two new pianos.....	800 00	
Books .....	175 00	175 00
Equipment for steam laundry.....	1,500 00	
Stationery, postage and printing.....	150 00	150 00
Clothing for indigent pupils.....	1,000 00	1,000 00
Tools for shops and apparatus.....	150 00	150 00
Groceries and miscellaneous.....	14,000 00	14,000 00
Amusements .....	150 00	150 00
Salary of Domestic Science teacher.....	450 00	450 00
Boys' dormitory .....	30,000 00	
Water and fire protection.....	5,000 00	
Hospitals and fixtures.....	2,500 00	
Furniture .....	400 00	400 00
Traveling expenses, Superintendent.....	100 00	100 00
Total .....	\$ 70,430 00	\$ 30,630 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated for and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

#### State Institution for the Training of Juveniles.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent, with provisions for himself and family not to exceed in value \$800 per annum.\$	1,800 00	\$ 1,800 00
Salary of Assistant Superintendent.....	1,200 00	1,200 00
Salary of accountant.....	1,000 00	1,000 00
Salary of engineer.....	900 00	900 00
Salary of assistant engineer.....	600 00	600 00
Salary of school principal.....	1,200 00	1,200 00
Salary of six letter teachers.....	3,960 00	3,960 00
Salary of seven trade teachers, at \$720 each.....	5,040 00	5,040 00
Salary of ten field instructors.....	6,000 00	6,000 00
Salary of one instructor in barbering.....	600 00	600 00
Salaries of five night watchmen.....	3,000 00	3,000 00
Salary of trained nurse.....	720 00	720 00
Salary of physician, to furnish own consultation.....	1,200 00	1,200 00
Salary of chaplain.....	720 00	720 00
Salary of band instructor.....	720 00	720 00
Salary of man and wife for boys' cottage.....	900 00	900 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Maintenance, fuel, expenses and per diem of Board of Trustees .....	\$ 40,000 00	\$ 40,000 00
Books and school supplies.....	1,200 00	1,200 00
Postage and express.....	400 00	400 00
Medicines .....	500 00	500 00
Hospital equipment .....	750 00	750 00
Discharge and transportation.....	3,600 00	3,600 00
Farm implements .....	1,500 00	1,500 00
Engine, pump and equipment for irrigation.....	2,500 00	
Repairs to buildings, replacing burned barn, overhauling negro dormitory and general repairs, including heating equipment .....	35,000 00	3,500 00
One negro school and dormitory building, to be erected on the farm at a distance and separate from the white school .....	40,000 00	
Change present residences into cottages for boys.....	3,000 00	3,000 00
Equipment and extension of trades building.....	10,000 00	
Insurance .....	1,750 00	1,750 00
Laundry .....	3,000 00	
Total .....	\$172,760 00	\$ 85,760 00

Provided, that the per diem of the Board of Managers shall be \$5.00 for each member of the Board for each day while actually engaged in their official duties, including time actually spent in travel, if any.

Provided, that the Board of Managers are hereby authorized to use the farm products' fund to acquire additional lands for the institution when said purchase and expenditure has been approved by the Governor.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record of such absences shall be incorporated in the report made annually by the head of said institution.

Should the name of the State Institution for the Training of Juveniles be changed by statute, it shall not affect the above appropriation in any way, and all amounts for said institution shall be available under any such changed name, on the same terms named herein for the State Institution for the Training of Juveniles.

#### Tuberculosis Sanitarium.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Stationery, books, etc.....	\$ 200 00	\$ 200 00
Coal .....	2,200 00	3,000 00
Gasoline and oils.....	1,200 00	1,500 00
Groceries .....	13,500 00	17,700 00
Dry goods, beds and furniture.....	300 00	466 00
Drugs .....	1,200 00	1,326 00
Laundry supplies .....	300 00	400 00
Produce .....	3,600 00	5,300 00
Fresh meats .....	2,400 00	3,600 00
Feed .....	1,800 00	1,800 00
Ice .....	1,500 00	2,000 00
Dishes .....	150 00	225 00
Farming implements and tools.....	200 00	150 00
Sputum cups and disinfectants.....	1,500 00	2,500 00
Steam fittings .....	200 00	200 00
Electrical supplies .....	200 00	200 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Hardware and kitchen cutlery.....	\$ 200 00	\$ 200 00
Alcohol .....	60 00	150 00
Plumbing supplies .....	200 00	200 00
Pay roll .....	15,939 88	17,999 88
Serums .....	200 00	200 00
Expenses and salaries.....	1,000 00	1,000 00
Telephone and telegrams.....	300 00	400 00
In case work of Austin office is transferred to Carls- bad—stenographer .....	600 00	
Two dormitories, one each year, for males and females, with capacity for 50 patients each.....	20,000 00	20,000 00
Heating buildings, electric plant, wiring and plumbing.	10,000 00	
One store house, 37x65 ft., two stories high with rooms on second story, for employes.....	6,500 00	
Surgical instruments and laboratory.....	300 00	
Addition and changes in power house, including one new boiler .....	2,500 00	
For electricity and additional machinery in laundry..	1,000 00	
Septic tank for sewerage and tiling for refuse water..	2,600 00	
New dairy barn.....	2,500 00	
Equipment for additional buildings.....	3,500 00	
Two mules .....	400 00	
A dam and damages for purchase of land protecting State for water privileges on the river.....	3,000 00	
A concrete tank to hold at least 200,000 gallons .....	2,500 00	
Six-inch iron piping.....	4,500 00	
For improvement of grounds, walks, drives, irriga- tion pipe, etc.....	1,250 00	1,250 00
To make addition to subsistence building for dining rooms, servants' quarters and kitchen.....	5,000 00	
Building for Lecture Hall and Chapel, with library and reading room .....	7,500 00	
Two silos, machinery for silos, wagons, harness and farming tools .....	2,500 00	
Clearing land .....	750 00	
Total .....	\$125,249 88	\$ 81,966 88

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

State Lunatic Asylum.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent, provided he shall receive pro- visions not to exceed in value \$500 per year, fuel, lights, water and housing for himself and family....	2,000 00	2,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of third assistant physician.....	1,250 00	1,250 00
Salary of fourth assistant physician.....	1,250 00	1,250 00
Salary of fifth assistant physician .....	1,250 00	1,250 00
Salary of steward, storekeeper and accountant.....	600 00	600 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of stenographer.....	\$ 480 00	\$ 480 00
Salary of druggist .....	720 00	720 00
Salary of matron .....	600 00	600 00
Salary of supervisor .....	540 00	540 00
Salary of assistant supervisor .....	480 00	480 00
Salary of night supervisor .....	480 00	480 00
Salary of supervisoress .....	540 00	540 00
Salary of assistant supervisoress .....	480 00	480 00
Salary of night supervisoress .....	480 00	480 00
Salary of chaplain .....	300 00	300 00
Salary of outside supervisor and head farmer.....	600 00	600 00
Salary of chief engineer and plumber.....	1,100 00	1,100 00
Salary of first assistant engineer and electrician.....	660 00	660 00
Salary of second assistant engineer and plumber.....	600 00	600 00
Salary of third assistant engineer.....	600 00	600 00
Salary of three firemen .....	1,440 00	1,440 00
Salary of two ice men .....	840 00	840 00
Salary of carpenter .....	600 00	600 00
Salary of assistant carpenter .....	420 00	420 00
Salary of blacksmith .....	480 00	480 00
Salary of painter and plasterer.....	540 00	540 00
Salary of gardener and florist .....	480 00	480 00
Salary of butcher .....	450 00	450 00
Salary of tailor .....	480 00	480 00
Salary of shoemaker .....	400 00	400 00
Salary of dairyman .....	360 00	360 00
Salary of two assistant dairymen.....	540 00	540 00
Salary of four trained nurses .....	1,680 00	1,680 00
Salary of two nurses, tuberculosis cottages.....	840 00	840 00
Salaries of ninety-six attendants.....	23,000 00	23,000 00
Salaries of twenty-five night attendants.....	7,680 00	7,680 00
Salary of the farm hands.....	600 00	600 00
Salary of scavenger .....	300 00	300 00
Salary of six dining room assistants .....	1,080 00	1,080 00
Salary of chief cook .....	600 00	600 00
Salary of first assistant cook.....	360 00	360 00
Salary of second assistant cook .....	360 00	360 00
Salary of third assistant cook .....	320 00	320 00
Salary of nine assistant cooks .....	2,160 00	2,160 00
Salary of two cooks, tuberculosis cottages.....	720 00	720 00
Salary of baker .....	550 00	550 00
Salary of two assistant bakers.....	600 00	600 00
Salary of head laundryman or laundress.....	480 00	480 00
Salary of assistant laundryman or laundress .....	300 00	300 00
Salary of 16 laundresses .....	3,840 00	3,840 00
Salary of head seamstress .....	300 00	300 00
Salary of seven seamstresses .....	1,680 00	1,680 00
Salary of knitting machine operator .....	420 00	420 00
Salary of assistant knitting machine operator.....	240 00	240 00
Support, maintenance, groceries, fuel, lights and water, pay of board of managers, including mileage, drugs, medical stores and surgical instruments.....	185,000 00	185,000 00
Dry goods and clothing .....	36,000 00	36,000 00
Furniture and beds .....	3,000 00	3,000 00
Transportation of patients .....	1,000 00	1,000 00
Literature and amusements.....	1,000 00	1,000 00
Trees and seeds.....	500 00	500 00
Farm machinery and tools .....	350 00	350 00
Engineer's and carpenter's tools .....	400 00	400 00
Horses, mules, cows and hogs.....	600 00	600 00
Bridges, culverts and grounds .....	400 00	400 00



	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Repairs .....	\$ 10,000 00	\$ 10,000 00
Wagons, hacks and harness .....	400 00	400 00
For purchase fire hose .....	500 00	500 00
For converting second story of old laundry into a ward and equipping same .....	3,000 00	
For enlarging boiler house and purchasing new boilers, and other machinery, or as much as may be necessary .....	20,000 00	
For building carpenter and blacksmith and industrial shop for patients .....	3,000 00	
For purchasing pipe to put in new pipe line to pump station at Camp Mabry .....	2,400 00	
For purchasing laundry machinery .....	3,500 00	
For purchasing underground gasoline and kerosene tanks .....	600 00	600 00
Equipping a pathological laboratory.....	1,500 00	
For putting cement floor in store room and building wall between storeroom and engineer's shop .....	1,500 00	
For new fence around the asylum grounds.....		4,000 00
For porches for negro female department.....	4,000 00	
For repairing residence .....	1,000 00	
For purchasing two silos and ensilage cutter and carrier .....	1,200 00	
Hospital for 75 white women, equipped.....	35,000 00	
Hospital for 100 white men, equipped .....	40,000 00	
Hospital for 100 negro men, equipped.....		40,000 00
Hospital for 100 negro women, equipped.....		40,000 00
Enlarging dining room and kitchen for negroes.....	6,000 00	
Total .....	\$434,500 00	\$395,800 00

Provided, that all fees collected from non-indigent patients treated at the Pasteur Institute may be used as directed by the Board of Managers and Superintendent, for the purposes of its proper support and operation, and that a record of all fees so collected shall be kept, and an itemized account, showing each item of expenditure made out of such fund, and a detailed account made and included in an annual report of the hospital to the Governor.

Provided, that the Board of Managers of the State Lunatic Asylum may use \$500 from the fees arising from treatment of the Pasteur Institute to supplement and increase salaries of the assistant physicians who do the Pasteur work.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation, or on leave of absence, and that such record of the absences be incorporated in the report made annually by the head of said institution.

#### Southwestern Insane Asylum.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent, provided he shall receive, provisions not to exceed in value \$500 per year, fuel, lights, water and housing for himself and family....	\$ 2,000 00	\$ 2,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician..	1,250 00	1,250 00
Salary of third assistant physician..	1,250 00	1,250 00
Salary of storekeeper and accountant.....	900 00	900 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of assistant storekeeper and accountant and stenographer .....	\$ 600 00	\$ 600 00
Salary of druggist.....	720 00	720 00
Salary of matron.....	600 00	600 00
Salary of supervisoress.....	480 00	480 00
Salary of assistant supervisoress.....	420 00	420 00
Salary of supervisor.....	480 00	480 00
Salary of assistant supervisor.....	420 00	420 00
Salary of outside supervisor and head farmer.....	550 00	550 00
Salary of chief engineer.....	1,100 00	1,100 00
Salary of assistant engineer and electrician.....	550 00	550 00
Salary of assistant engineer and plumber.....	550 00	550 00
Salaries of three firemen.....	1,080 00	1,080 00
Salary of ice factory engineer.....	360 00	360 00
Salary of gardener and florist.....	320 00	320 00
Salary of assistant gardener.....	300 00	300 00
Salary of chaplain.....	300 00	300 00
Salary of chief cook and dietitian.....	720 00	720 00
Salaries of five assistant cooks in main kitchen.....	1,500 00	1,500 00
Salary of one cook for officers' kitchen.....	360 00	360 00
Salary of special cook for male hospital.....	420 00	420 00
Salary of special cook for female hospital.....	420 00	420 00
Salary of special cook for male tubercular cottage....	300 00	300 00
Salary for special cook for female tubercular cottage...	300 00	300 00
Salary of baker.....	480 00	480 00
Salary of assistant baker.....	240 00	240 00
Salary of carpenter.....	720 00	720 00
Salary of barber.....	300 00	300 00
Salary of assistant barber.....	240 00	240 00
Salary of mattress maker.....	360 00	360 00
Salary of blacksmith.....	400 00	400 00
Salary of painter and plasterer.....	480 00	480 00
Salary of tailor or tailoress.....	400 00	400 00
Salary of shoemaker.....	360 00	360 00
Salaries of four housekeepers.....	960 00	960 00
Salaries of four farm hands.....	960 00	960 00
Salary of hostler.....	300 00	300 00
Salary of scavenger.....	240 00	240 00
Salaries of twelve night watchmen for eighteen wards containing 960 patients.....	4,320 00	4,320 00
Salaries for two trained night nurses for female hospital .....	720 00	720 00
Salaries of two trained night nurses for male hospital .....	720 00	720 00
Salary of one trained night nurse for tubercular cottage for females .....	360 00	360 00
Salary of one trained night nurse for tubercular cottage for males .....	360 00	360 00
Salaries of two outside watchmen.....	720 00	720 00
Salaries of seventy attendants, one attendant for sixteen patients .....	21,000 00	21,000 00
Salaries of two special trained day attendants for convalescent cases, one man and one woman.....	720 00	720 00
Salaries for two trained day nurses for female hospital .....	840 00	840 00
Salaries for two trained day nurses for male hospital..	840 00	840 00
Salary of one trained day nurse for female tubercular cottage .....	420 00	420 00
Salary of one trained day nurse for male tubercular cottage .....	420 00	420 00
Salary of head laundress or laundryman.....	480 00	480 00
Salaries of seven laundresses.....	1,680 00	1,680 00
Salary of head seamstress.....	360 00	300 00
Salaries of six seamstresses.....	1,440 00	1,440 00
Salary of dairyman.....	360 00	360 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of assistant dairyman.....	\$ 270 00	\$ 270 00
Salary of butcher.....	450 00	450 00
Salary of poultryman.....	300 00	300 00
Support, maintenance, groceries, fuel, lights and water, pay of Board of Managers, including mileage, drugs, medical stores, and surgical instruments.....	115,000 00	115,000 00
Dry goods and clothing.....	20,000 00	20,000 00
Transportation of patients.....	750 00	750 00
Literature and amusement.....	1,000 00	1,000 00
Cows, horses, mules and hogs.....	500 00	500 00
Wagons, hacks and harness.....	300 00	300 00
Trees, seeds, farm machinery and tools.....	500 00	500 00
Bridges, culverts, fencing and grounds.....	500 00	500 00
Engineer's and carpenter's tools.....	150 00	150 00
General repairs and paintings, extraordinary repairs on buildings, painting outside iron and woodwork and galleries of old buildings.....	9,300 00	5,300 00
Furniture and beds.....	1,700 00	1,700 00
Laundry machinery and repairs.....	500 00	500 00
Fire department .....	250 00	250 00
Remodel and repair old female infirmary.....	1,000 00	1,000 00
Enlarging baker shop and installing one bake oven (new) .....	2,500 00	
To erect 2 lavatory buildings for old wards.....	12,000 00	
Extraordinary repairs to administration buildings....	10,000 00	
Removing and rebuilding fuel oil storage depot.....	2,500 00	
To erect and equip one hospital building to accommo- date 100 acutely insane sick women.....	50,000 00	
To erect and equip buildings to accommodate 400 pa- tients; also to enlarge heating and power plant, and laundry, kitchen, employes' quarters, as may be required .....		225,000 00
Total .....	\$291,110 00	\$435,110 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation or on leave of absence, and that such record of the absences be incorporated in the report made annually by the head of said institution.

North Texas Hospital for the Insane.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent, with provisions for himself and family, not to exceed in value \$500 per year, fuel, lights, water and housing.....	\$ 2,000 00	\$ 2,000 00
Support, maintenance, groceries and fuel, lights and water, pay of Board of Managers, including mileage, drugs, medical stores and surgical instruments.....	200,000 00	200,000 00
Dry goods and clothing.....	32,000 00	32,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of third assistant physician.....	1,250 00	1,250 00
Salary of fourth assistant physician.....	1,250 00	1,250 00
Salary of fifth assistant physician.....	1,250 00	1,250 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of storekeeper and accountant.....	\$ 1,200 00	\$ 1,200 00
Salary of assistant storekeeper and accountant.....	600 00	600 00
Salary of druggist.....	720 00	720 00
Salary of matron.....	600 00	600 00
Salaries of two supervisors.....	1,200 00	1,200 00
Salary of outside supervisor and head farmer.....	600 00	600 00
Salaries of two supervisoresses.....	960 00	960 00
Salary of chief engineer.....	1,100 00	1,100 00
Salary of assistant engineer and electrician.....	600 00	600 00
Salary of night engineer.....	600 00	600 00
Salary of plumber.....	600 00	600 00
Salary of assistant plumber.....	480 00	480 00
Salaries of six firemen.....	2,880 00	2,880 00
Salary of gardener and florist.....	320 00	320 00
Salary of chaplain.....	300 00	300 00
Salary of chief cook.....	600 00	600 00
Salary of assistant cook.....	360 00	360 00
Salaries of eight under-cooks.....	1,920 00	1,920 00
Salary of baker.....	600 00	600 00
Salaries of two assistant bakers.....	540 00	540 00
Salary of carpenter.....	600 00	600 00
Salary of assistant carpenter.....	480 00	480 00
Salary of blacksmith.....	400 00	400 00
Salary of plasterer.....	720 00	720 00
Salary of assistant plasterer.....	420 00	420 00
Salary of painter.....	480 00	480 00
Salary of assistant painter.....	360 00	360 00
Salary of tailor or tailoress.....	400 00	400 00
Salary of shoemaker.....	400 00	400 00
Salaries of five dining room girls.....	1,080 00	1,080 00
Salaries of twenty night attendants.....	6,000 00	6,000 00
Salaries of six farm hands.....	1,260 00	1,260 00
Salary of head laundryman or laundress.....	480 00	480 00
Salary of assistant laundryman or laundress.....	300 00	300 00
Salaries of thirteen laundresses.....	3,120 00	3,120 00
Salaries of four trained nurses.....	1,680 00	1,680 00
Salary of head seamstress.....	300 00	300 00
Salaries of two outside watchmen.....	840 00	840 00
Salaries of ten seamstresses.....	2,400 00	2,400 00
Salary of mattress maker.....	360 00	360 00
Salaries of 115 attendants.....	34,500 00	34,500 00
Salary of dairyman.....	420 00	420 00
Salaries of three assistant dairymen.....	720 00	720 00
Salary of butcher.....	450 00	450 00
Salary of scavenger.....	300 00	300 00
Transportation.....	800 00	800 00
For dental work.....	1,000 00	1,000 00
Furniture and beds.....	3,500 00	3,500 00
General repairs and painting.....	15,000 00	15,000 00
Literature and amusements.....	1,000 00	1,000 00
Fire department.....	800 00	800 00
Trees and seeds.....	400 00	400 00
Horses, mules, cows and hogs.....	500 00	500 00
Engineer's and carpenter's tools.....	500 00	500 00
Bridges, culverts and grounds.....	500 00	500 00
Laundry machinery and repairs.....	750 00	750 00
Fencing.....	250 00	250 00
Wagons, hacks and harness.....	300 00	300 00
To erect carpenter shop.....	2,000 00	
Mowers, plows and farm tools.....	300 00	300 00
For overhauling steam plant.....	5,000 00	

	For the Years Ending	
	Aug. 31, 1914. Aug. 31, 1915.	
To erect and equip two buildings complete for consump-		
tive patients, one each year.....	\$ 37,500 00	\$ 37,500 00
Total .....	\$385,600 00	\$378,600 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that all buildings to be erected under and by virtue of the appropriations herein made, shall be of fireproof construction and all plans and specifications for the erection of fire protection shall be subject to the approval of the State Fire Insurance Commission.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absence be incorporated in the report made annually by the head of said institution.

Provided, that all equipment and furnishing for new buildings, additions and improvements to old buildings and for installation of fire protection, for which appropriations are made herein, and supplies for the State Juvenile Training School at Gatesville shall be purchased by the State Purchasing Agent in accordance with the provisions of Chapter 1, Title 125, of the Revised Statutes of 1911.

State Training School for Girls.

	For the Years Ending	
	Aug. 31, 1914. Aug. 31, 1915.	
Salary of Superintendent.....	\$	1,200 00
Salary of five matrons, \$600 each.....		3,000 00
Salary of principal.....		900 00
Salary of three industrial and literary teachers, \$720 each .....		2,160 00
Salary of garden instructor.....		480 00
Maintenance and per diem and traveling and other expenses of Board, or so much thereof as may be necessary .....		7,500 00
Express, postage and stationery.....		100 00
Discharge and transportation.....		250 00
Total .....	\$	16,490 00

None of the above appropriations for the Training School for Girls shall be available until Section 11 of Chapter 144 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas shall have been complied with, and then only so much thereof as may be necessary. The salary of all employes to be paid monthly and none to begin until Section 11 of Chapter 144, above referred to, is complied with.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days and that this act shall take effect and be in force from and after its passage, and it is so enacted.



## RECAPITULATION.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
State Orphan Home.....	\$ 76,260 00	\$ 58,260 00
Confederate Home .....	96,770 00	93,420 00
Confederate Woman's Home.....	17,005 00	16,630 00
Blind Institute .....	239,580 00	62,055 00
Deaf and Dumb Institute.....	175,600 00	144,350 00
Epileptic Colony .....	163,800 00	140,800 00
Deaf, Dumb and Blind Institute for Colored Youths.	70,430 00	30,630 00
State Institution for the Training of Juveniles.....	172,760 00	85,760 00
Tuberculosis Sanitarium .....	125,249 88	81,966 88
State Lunatic Asylum.....	434,500 00	395,800 00
Southwestern Insane Asylum.....	291,110 00	435,110 00
North Texas Hospital for Insane.....	385,600 00	378,600 00
State Training School for Girls.....		16,490 00
Total .....	\$2,248,664 88	\$1,939,871 88

The above report was read and adopted by the following vote:

Yeas—29.

Astin.	Darwin.	McGregor.	Warren.
Bailey of De Witt.	Gibson.	McNealus.	Watson.
Brelsford.	Greer.	Nugent.	Westbrook.
Carter.	Hall.	Oliver.	Wiley.
Clark.	Harley.	Real.	Willacy.
Collins.	Hudspeth.	Taylor.	
Conner.	Johnson.	Terrell.	
Cowell.	Lattimore.	Townsend.	

Absent.

Bailey of Harris. Morrow.

## HOUSE BILL NO. 14—REPORT OF FREE CONFERENCE COMMITTEE.

Committee Room,  
Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell,  
Speaker of the House of Representatives:

Sirs: We, your Free Conference Committee, to whom was referred House bill No. 14, with Senate amendments thereto, have had the same under consideration at a session of said committee, and beg leave to report it back to the Senate and House with the recommendation that it do not pass, but that the accompanying Free Conference Committee substitute for House bill No. 14 do pass in lieu thereof.

COWELL,  
REAL,  
ASTIN,  
NUGENT,  
HARLEY,  
WILLACY,  
On the part of the Senate.  
WORTHAM,  
HILL,  
GOODNER,  
KIRBY,  
WOODS of Navarro.  
On the part of the House.

## FREE CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 14.

## A BILL

## To Be Entitled

An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, to wit: University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas Normal School and West Texas Normal School, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated to pay the salaries of officers and employes and other expenses necessary for the support and maintenance of certain educational institutions of the State, as follows, to wit:

## University of Texas.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

For the maintenance, support and direction of the University of Texas, including the Medical Department at Galveston, including repairs, extensions, improvements and buildings for the years beginning September 1, 1913, and ending August 31, 1915; all the available University funds, including interest from its bonds, land notes, endowments and donations, all gifts and fees collected and all receipts whatsoever from every source.

Provided, however, that the Board of Regents of the University of Texas shall set aside and appropriate out of the income from the permanent University fund the sum of \$65,000, to be expended by said Board of Regents for the erection of a Nurses' Home in connection with the John Sealy Hospital at Galveston, Texas.

For the maintenance, support and direction of the University of Texas, including the Medical College at Galveston, for the two years beginning September 1, 1913, and ending August 31, 1915, from the general revenue .....	\$658,300 00	\$700,250 00
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## Bureau of Economic Geology and Technology—

For field work, printing bulletins of artesian and other underground waters, preparation of general report on the mining resources of the State, preparation of a geological and mineral map of the State, for the completion of work on the fuels of the State, for publications, mapping, help, etc.....	12,500 00	12,500 00
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Total .....	\$670,800 00	\$712,750 00
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The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

## Agricultural and Mechanical College.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salaries .....	\$135,000 00	\$150,000 00
Dean's Office .....	1,000 00	1,000 00
Publicity .....	1,000 00	1,000 00
Chemistry .....	3,500 00	3,500 00
Drawing .....	1,000 00	1,000 00
Physics .....	2,500 00	3,000 00
Student Labor .....	10,000 00	10,000 00
Board Expense, including Clerk .....	1,500 00	1,500 00
Library .....	12,000 00	12,000 00
President's contingent .....	4,500 00	4,500 00
History and Economics.....	500 00	500 00
Agronomy .....	5,000 00	5,000 00
Animal husbandry .....	7,500 00	10,000 00
Biology .....	2,000 00	2,000 00
Dairy husbandry .....	2,000 00	2,000 00
Entomology .....	4,800 00	4,200 00
Extension work .....	17,500 00	17,500 00
Visitor to Schools .....	2,000 00	2,000 00
Horticulture .....	2,500 00	2,500 00
Dean of Agriculture office.....	500 00	500 00
Veterinary Science .....	3,000 00	3,000 00
Production and Distribution of Serum.....	2,000 00	2,000 00
Architecture .....	1,000 00	1,000 00
Experiment station .....	15,000 00	15,000 00
Civil Engineering .....	4,000 00	4,000 00
Highway Engineering .....	6,700 00	6,700 00
Electrical Engineering .....	7,500 00	7,500 00
Mechanical engineering .....	7,500 00	7,500 00
Operating Power Plant .....	30,000 00	30,000 00
Repairs .....	15,000 00	14,000 00
Field Workers, Agricultural Department.....	10,000 00	10,000 00
Proposed new branches of the agricultural educational department, embracing forestry, poultry, husbandry, crop marketing, farm management, floriculture, landscape gardening, and agricultural engineering.....		10,000 00
Agricultural Building .....		150,000 00
Hospital and Equipment .....	35,000 00	
Cottages .....	10,000 00	10,000 00
Veterinary Building .....		100,000 00
Building for Animal Husbandry Department, to include an—		
Animal Judging Pavilion .....	38,000 00	
Horse and Cattle Barn .....	10,000 00	
Sheep Barn .....	1,500 00	
Hog Barn .....	1,500 00	
Hog Cholera Building .....	4,000 00	
Incinerator .....	2,500 00	
Roads, Bridges and Sidewalks.....	10,000 00	10,000 00
Waterworks and apparatus and air compressor.....	15,000 00	20,000 00
Power Lines .....	3,000 00	
Laundry .....	4,000 00	
Athletic Grounds .....	500 00	500 00
Total .....	\$453,000 00	\$634,900 00

The proceeds of the Pure Feed Control Department, not to exceed \$25,000, are hereby appropriated for the year ending August 31, 1914, for the purpose of providing a hydraulic laboratory.

The proceeds of the Pure Feed Control Department, for the years beginning September 1, 1913, and ending August 31, 1915, subject to the preceding item,

are hereby appropriated for the purpose of building a mechanical and engineering building, the same to cost not to exceed \$75,000.

Provided, that this appropriation is conditioned that the president of said Agricultural and Mechanical College shall require some of the industrial classes taught at said college.

Provided, that in addition to the above, the interest on \$209,000 of State bonds, held by the Agricultural and Mechanical College fund, is hereby appropriated for the support of this institution; provided further, that the board of directors of the Agricultural and Mechanical College of Texas shall include in this report the number of and the salaries of the faculty and employes of the Agricultural and Mechanical College and of the Prairie View Normal School, and of receipts and expenditures, itemized, of each of these institutions and in the same manner as the law requires the board of regents to report the salaries and number of the faculty and employes and the receipts of the University of Texas.

Provided, that all the proceeds of the sale of farm and dairy products, surplus stock and wornout property shall be paid into the State Treasury, and become a part of the general revenue of the State.

Provided, first, reports shall be made quarterly and filed with the Comptroller, giving an itemized statement of all moneys paid out and showing from what particular fund said money was paid.

Second, the full amount of money taken in from all sources, including farm products, dairy products, and the amount paid in by each student for board or other items during the term. Said statement shall show what disposition is made of said funds, and if any surplus remains on hand at the end of any school year, it shall be remitted to the State Treasury.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### State Experimental Sub-stations.

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
For support and maintenance of eleven sub-stations, including the station at Nacogdoches, at \$7500 each...	\$ 82,500 00	\$ 82,500 00
For co-operative feeding and breeding experiments on Texas farms and ranches.....	5,000 00	5,000 00
For sheep breeding work (under way at present time)	2,000 00	2,000 00
For printing station bulletins and circulars.....	3,000 00	3,000 00
Total .....	\$ 92,500 00	\$ 92,500 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### Prairie View Normal.

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Maintenance and support.....	\$ 17,500 00	\$ 17,500 00
Female Industrial Department.....	2,000 00	2,000 00
Agricultural and Mechanical Department, Including Dairy .....	5,000 00	5,000 00
Library and Periodicals.....	500 00	500 00
Laboratory .....	500 00	500 00
Stationery, Postage and Printing.....	300 00	300 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Improvements on Grounds and Roads.....	\$ 1,000 00	\$ 1,000 00
Repairs and Painting.....	5,000 00	5,000 00
Furniture for Dormitories.....	1,000 00	1,000 00
Student Labor .....	2,500 00	2,500 00
Fences and Bridges.....	500 00	500 00
Steam and Electric Plant and Running Expenses.....	2,000 00	2,000 00
Cottages .....	2,000 00	2,000 00
To plaster and equip Assembly Hall.....	4,500 00	
Gallery for Assembly Hall, complete and equipped....		3,000 00
Water tower .....	3,000 00	
New well .....	2,500 00	
Water mains and fire hydrants, as per estimate of State		
Fire Marshal .....	12,600 00	
Underwriters' pump and engine.....		4,200 00
Kitchen equipment .....	5,000 00	
New boilers .....	7,500 00	
Domestic Science Building (fireproof), complete and		
equipped .....	40,000 00	
Dormitory (fireproof), complete and equipped.....		50,000 00
Addition to shops.....		10,000 00
Power plant and equipment.....	20,000 00	
Laundry, complete and equipped.....		20,000 00
To purchase one jack and stallion.....	1,300 00	
Sanitary closets for boys' dormitories and to connect to		
sewer .....	650 00	
Bathhouse .....		2,100 00
<b>Total .....</b>	<b>\$136,850 00</b>	<b>\$129,100 00</b>

Provided, that the receipts from the sales of farm and dairy products, surplus stock and wornout property shall be paid into the State Treasury and become a part of the general revenue of the State.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named therein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### College of Industrial Arts for Women.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Maintenance and support, salaries of president, teachers and other employees.....	\$ 42,000 00	\$ 46,000 00
For student labor.....	1,500 00	1,500 00
Printing bulletins and catalogues.....	750 00	750 00
Stationery and postage.....	350 00	350 00
Telephone, telegraph, small printing and office supplies.	700 00	700 00
Material and supplies for several departments—brushes, brooms, toilet supplies, chemicals and practice materials .....	1,000 00	1,000 00
Support for summer school for industrial instruction, salaries of teachers and supplies.....	1,500 00	1,500 00
Light, heat, power, coal, wood, gasoline and electricity.	2,000 00	2,000 00
Fire protection, including hose, chemical extinguisher, pipe, etc. ....	1,500 00	
Library books and periodicals.....	750 00	750 00
Advertising .....	200 00	200 00
Inside improvements and repairs to buildings.....	2,000 00	1,000 00
Department funds for purchase of apparatus, cases, charts, models, specimens, etc.....	2,500 00	2,000 00



	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Outside improvements—fences, sheds, painting, shade trees, sidewalks, grading.....	\$ 3,000 00	\$ 1,500 00
For vocational departments, instruction and equipment.	2,000 00	2,000 00
Dairy, horse and poultry feed, including dairy yards and farm implements .....	750 00	750 00
Regents' fund and auditing books.....	500 00	500 00
Commencement expenses, programs, invitations and recitals .....	150 00	150 00
Traveling expenses of president of college.....	100 00	100 00
Contingent expenses .....	750 00	750 00
Labor on grounds.....	3,000 00	3,000 00
Extension demonstration, including salary, traveling and incidental expenses.....	2,000 00	2,000 00
Special permanent equipment for chemistry, physiology, including the hospital, biology and agriculture.....	2,500 00	
Permanent Improvements.		
Greenhouse, enlarging and repairs, seeds, pots, plants and tools .....	1,200 00	150 00
Household arts cottage.....		1,800 00
One dormitory and dining hall.....	125,000 00	
Equipment for dormitory and furnishings.....		15,000 00
Completion of main building.....		40,000 00
One laundry building and equipment.....	12,000 00	
Enlargement of boiler house and one additional boiler.		15,000 00
One farm cottage.....	1,200 00	
Additional Equipment.		
Domestic science equipment.....	\$ 1,109 00	
Chairs for auditorium.....	1,923 95	
Woodworking machinery .....	1,642 87	
Twenty-four double work benches.....	936 00	
Art equipment—stands, tables, etc.....	967 00	
Pottery kiln .....	175 00	
Blue-print frame .....	55 82	
Dining room equipment.....	80 80	
Casts and art equipment.....	155 75	
144 chairs .....	432 00	
24 tables for domestic art.....	144 00	
24 sewing machines.....	660 00	
Total .....	\$219,182 19	\$140,450 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### Sam Houston Normal Institute.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
For support and maintenance.....	\$ 54,000 00	\$ 54,000 00
Apparatus and equipment.....	4,000 00	4,000 00
Repairs and improvements.....	5,000 00	5,000 00
Apparatus for physical education.....		2,000 00
Department of Agriculture.....	3,800 00	1,700 00
Department of Manual Training.....	2,000 00	2,500 00
Department of Domestic Science and Art, including equipment for sewing classes.....	1,750 00	1,500 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Student labor fund.....	\$ 1,000 00	\$ 1,000 00
Well, tank, pump and fixtures for fire protection and water supply (based on Fire Marshal's estimate)...	11,800 00	
Science building .....	50,000 00	
Central heating plant and connections, to be spent in two years .....	30,000 00	
Industrial building .....		50,000 00
Furniture and equipment for training school building.		5,000 00
<b>Total .....</b>	<b>\$163,350 00</b>	<b>\$126,700 00</b>

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### North Texas State Normal.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Support and maintenance .....	\$ 56,000 00	\$ 56,000 00
Repairs of buildings .....	2,500 00	1,000 00
Improvement of grounds .....	500 00	1,000 00
Apparatus and equipment .....	2,000 00	3,000 00
Painting of buildings .....	300 00	200 00
Department of Agriculture.....	500 00	500 00
Department of Manual Training .....	500 00	500 00
Department of Domestic Science .....	500 00	500 00
Reference books for library .....	3,000 00	3,000 00
Equipment for library building and gymnasium .....	11,000 00	
Construction of central heating plant, complete with boilers, pipes, etc. ....	30,000 00	
Grounds for athletics and improvement of same.....	6,000 00	
Construction of building for model training department.		50,000 00
Equipment of Model Training Department, with furniture, apparatus, etc.....		5,000 00
Construction of Manual Arts Building.....	50,000 00	
<b>Total .....</b>	<b>\$162,800 00</b>	<b>\$120,700 00</b>

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### Southwest Texas State Normal.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Support and maintenance ....	\$ 54,000 00	\$ 54,000 00
Library, apparatus, repairs, equipment and improvement .....	5,000 00	5,000 00
Improvement of grounds.....	2,000 00	2,000 00
Training Department Building.....		50,000 00
Grounds for Training Department.....	5,000 00	
Equipment for Training Department Building.....		5,000 00
Additional lands .....	4,000 00	
Agriculture, Home Economics and Manual Training....	2,000 00	

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Heating plant .....		\$ 25,000 00
Remodeling stairways of Library Building.....	\$ 2,800 00	
Total .....	\$ 74,800 00	\$141,000 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### West Texas State Normal.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Maintenance and support.....	\$ 40,000 00	\$ 45,000 00
Library, books and improvements.....	5,000 00	5,000 00
Equipments for Agriculture, Physics, Chemistry, Biology, Domestic Science, Manual Training, Music, Art and Training School .....	5,000 00	
To complete heating plant.....	4,000 00	
Training School or Industrial Building.....		50,000 00
Wiring, plumbing and equipment, Training School or Industrial Building .....		5,000 00
Floor covering and office furniture.....	2,500 00	
Fencing and improving grounds and driveways.....	5,000 00	
Dormitories fitted for "batching" and "light house-keeping" for students unable to pay board.....	60,000 00	
Estimate of cost for proposed private inside and outside fire protection (based on Fire Marshal's report) .	5,900 00	
Salary of watchman .....	600 00	600 00
Total .....	\$128,000 00	\$105,600 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

In addition to the appropriations made by this act, for the support of the several State Normals, the Board of Education is hereby authorized to direct and to permit each of such Normals to collect from each student attending the same for each year, an incidental fee not to exceed the sum of \$15, and shall direct how the same may be applied.

Provided, that all new buildings authorized by this act and for which appropriations are hereby made shall be of fireproof construction and all plans and specifications for the erection of buildings and for the installation of fire protection shall be subject to the approval of the State Fire Insurance Commission.

Provided, that the purchase of equipment and furniture for buildings authorized to be constructed, added to or improved by this bill, and of material and equipment for the installation of fire protection, shall be contracted for by the State Purchasing Agent in accordance with the provisions of Chapter 1, of Title 125, of the Revised Statutes of 1911.

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

Recapitulation.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
University of Texas.....	\$ 670,800 00	\$ 712,750 00
Agricultural and Mechanical College.....	453,000 00	634,900 00
State experimental sub-stations.....	92,500 00	92,500 00
Prairie View Normal.....	136,850 00	129,100 00
College of Industrial Arts for Women.....	219,182 19	140,450 00
Sam Houston Normal Institute.....	163,350 00	126,700 00
North Texas State Normal.....	162,800 00	120,700 00
Southwest Texas State Normal.....	74,800 00	141,000 00
West Texas State Normal.....	128,000 00	105,600 00
Total .....	\$2,101,282 19	\$2,203,700 00

The above report was read and adopted by the following vote:

Yeas—31.

Astin.	Cowell.	Lattimore.	Terrell.
Bailey of De Witt.	Darwin.	McGregor.	Townsend.
Bailey of Harris.	Gibson.	McNealus.	Warren.
Brelsford.	Greer.	Morrow.	Watson.
Carter.	Hall.	Nugent.	Westbrook.
Clark.	Harley.	Oliver.	Wiley.
Collins.	Hudspeth.	Real.	Willacy.
Conner.	Johnson.	Taylor.	

HOUSE BILL NO. 44.

(Pending Business.)

Action recurred on the pending business. House bill No. 44, the question being on the amendment by Senators Darwin and Willacy.

RECESS.

On motion of Senator Clark, the Senate, at 12:25 o'clock, recessed until 2:30 o'clock today.

AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

SENATE BILL NO. 25—HOUSE AMENDMENTS CON-  
CURRED IN.

Senator Bailey of DeWitt called up Senate bill No. 25, with the following House amendments:

Amend Senate bill No. 25. Section 1, by adding at the end thereof the following:

\*Provided, also, that the Governor, the Attorney General, and the Commissioner

of the General Land Office shall lease said water rights to said Cuero Light & Power Company, or to any other parties, at a rate of not less than one-tenth of one per cent annually, upon the gross earnings of said lessees."

Amend the bill and caption thereof by striking out wherever they occur the words "Land Commissioner" and inserting in lieu thereof the words "Commissioner of the General Land Office."

The amendment was read, and, on motion of Senator Bailey of DeWitt, the Senate concurred in same by the following vote:

Yeas—23.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Carter.	Morrow.
Clark.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	

Absent.

Brelsford.	Nugent.
Collins.	Oliver.
Gibson.	Warren.
Johnson.	Willacy.

Senator Bailey of DeWitt moved that the vote by which the amendments were

concurred in be reconsidered and to lay that motion on the table.

The motion to table prevailed.

### HOUSE BILL NO. 36.

Senator Watson moved that the regular order of business, House bill No. 44, be suspended, and that House bill No. 35 be taken up out of its order, and

Senator Townsend moved, as a substitute, that the regular order of business be suspended and House bill No. 36 be taken up out of its order.

Action recurred on the substitute motion first and the same was adopted by the following vote:

Yeas—12.

Carter.	McNealus.
Conner.	Nugent.
Darwin.	Taylor.
Greer.	Townsend.
Johnson.	Westbrook.
McGregor.	Wiley.

Nays—11.

Astin.	Lattimore.
Bailey of Harris.	Morrow.
Clark.	Real.
Cowell.	Terrell.
Gibson.	Watson.
Harley.	

Present—Not Voting.

Hall.

Absent.

Bailey of De Witt.	Oliver.
Brelsford.	Warren.
Collins.	Willacy.
Hudspeth.	

Action recurred on the motion to suspend the regular order of business, as substituted (to take up House bill No. 36), and the same was adopted by the following vote:

Yeas—29.

Astin.	Harley.
Bailey of De Witt.	Hall.
Bailey of Harris.	Hudspeth.
Brelsford.	Johnson.
Carter.	Lattimore.
Clark.	McGregor.
Collins.	McNealus.
Conner.	Morrow.
Cowell.	Nugent.
Darwin.	Real.
Gibson.	Taylor.
Greer.	Terrell.

Townsend.  
Warren.  
Westbrook

Wiley.  
Willacy.

Nays—1.

Watson.

Absent.

Oliver.

On motion of Senator Townsend, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 36 was put on its second reading by the following vote:

Yeas—28.

Astin.	Hudspeth.
Bailey of De Witt.	Johnson.
Bailey of Harris.	Lattimore.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Oliver.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Hall.	Westbrook.
Harley.	Wiley.

Nays—1.

Watson.

Absent.

McGregor.

Willacy.

The Chair laid before the Senate, on second reading,

House bill No. 36, known as the 9:30 closing bill. (See House message of today for caption in full.)

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

Senator Townsend offered the following amendment:

Amend the bill as shown by printed bill, page 2, line 40, by striking out the words "or transact such business."

Senator Watson made the point of order that the bill could not be considered under the Governor's call submitting the subject for consideration, in that it sought to amend an article that was not submitted by the Governor.

The Chair sustained the point of order, holding Article 7443 could not be considered.

Senator Watson moved that the further consideration of this bill be suspended, at this time, and that the Senate take up House bill No. 35.



Senator Townsend moved to table that motion, which motion to table was adopted by the following vote:

Yeas—17.

Brelsford.	Lattimore.
Carter.	McNealus.
Collins.	Nugent.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Westbrook.
Greer.	Wiley.
Johnson.	

Nays—13.

Astin.	McGregor.
Bailey of De Witt.	Oliver.
Bailey of Harris.	Real.
Clark.	Terrell.
Hall.	Watson.
Harley.	Willacy.
Hudspeth.	

Present—Not Voting.

Morrow.

Action recurred on House bill No. 36, and Senator Townsend withdrew the pending amendment:

Senator Townsend offered the following amendment, which was read and adopted:

Amend the bill by striking out Article 7443 and amend the caption in conformity herewith.

Senator Townsend offered the following amendment.

Amend the bill, Article 7435, page 2, line 40, in House printed bill, by striking out the word "such" and inserting in lieu thereof the word "any."

Senator Watson moved to table the amendment.

Pending discussion,

Senator Townsend moved the previous question on the amendment and the bill, which motion being duly seconded, was so ordered.

Action recurred on the motion to table the amendment, and the same lost by the following vote:

Yeas—10.

Astin.	Hudspeth.
Bailey of DeWitt.	Oliver.
Bailey of Harris.	Real.
Clark.	Terrell.
Harley.	Watson.

Nays—17.

Brelsford.	Cowell.
Carter.	Darwin.
Ccllins.	Gibson.
Conner.	Greer.

Johnson.  
Lattimore.  
Morrow.  
Nugent.  
Taylor.

Townsend.  
Warren.  
Westbrook.  
Wiley.

Present—Not Voting.

McNealus.

Willacy.

Absent.

Hall.

McGregor.

The amendment was then adopted.

The bill was read second time and passed to a third reading.

Senator Townsend moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be placed on its third reading and final passage.

The motion was lost by the following vote, a four-fifths vote being necessary:

Yeas—18.

Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Johnson.

Lattimore.  
McNealus.  
Morrow.  
Nugent.  
Taylor.  
Townsend.  
Warren.  
Westbrook.  
Wiley.

Nays—11.

Astin.  
Bailey of De Witt.  
Bailey of Harris.  
Clark.  
Hall.  
Harley.

Hudspeth.  
Oliver.  
Real.  
Terrell.  
Watson.

Absent.

McGregor.

Willacy.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference report on House bill No. 2 by the following vote: Yeas 97, nays 3.

The House has adopted the Free Conference report on House bill No. 14 by the following vote: Yeas 101, nays 0.

The House has adopted the Free Conference report on House bill No. 24 by the following vote: Yeas 103, nays 0.

The House concurred in Senate amendments to House bill No. 50 by the following vote: Yeas 101, nays 0.

Respectfully,  
W. R. LONG,  
Chief Clerk, House of Representatives.

#### EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, August 18, 1913.

To the Senate:

I ask the advice and consent of the Senate to the following appointments:

To be a member of the Board of Managers of the Confederate Home, Gen. Felix H. Robertson of Crawford, McLennan county, in place of R. O. Harris, resigned.

To be members of the Board of Managers of the State Juvenile Training School at Gatesville, W. W. Sealy and M. M. Harris of Waco, McLennan county; Davis R. Hall of Gatesville, Coryell county; Dr. D. C. Homan of Oglesby, Coryell county; Mrs. E. W. Bounds of Marlin, Falls county, and Mrs. M. Cavett of Leon Junction, Coryell county.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 35, contingent expense appropriations.

Respectfully,  
W. R. LONG,  
Chief Clerk, House of Representatives.

#### HOUSE BILL NO. 40—REPORT OF FREE CONFERENCE COMMITTEE.

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee appointed to adjust the differences between the two houses on House

bill No. 40, beg leave to report as follows:

First. That the Senate recedes from its action in adopting amendment No. 1, which is as follows:

Amend the bill, Section 6, line 1, by striking out the word "Governor" and insert in lieu thereof "the Legislature."

Second. That there be added after the word "advisable," in line 5, paragraph B, of Section 6, the following: "Provided, however, no station shall be abandoned and relocated beyond the bounds of the county in which such station was originally located."

NUGENT,  
GIBSON,  
BAILEY of DeWitt.  
WATSON,

On the part of the Senate.

BURMEISTER,  
ROWELL,  
FOUNTAIN,  
CRISP,  
BRUCE,

On the part of the House.

The above report was read and adopted by the following vote:

Yeas—24.

Astin.	Johnson.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Greer.	Warren.
Hall.	Watson.
Harley.	Westbrook.

Nays—2.

Darwin. Wiley.

Present—Not Voting.

McGregor. McNealus.

Absent.

Gibson. Willacy.  
Hudspeth.

Senator Bailey of DeWitt moved to reconsider the vote by which the report was adopted and lay that motion on the table.

The motion to table prevailed.

By unanimous consent, Senator Townsend requested that his name be stricken from the report.

**SIMPLE RESOLUTION.**

(By Unanimous Consent.)

By Senator Collins:

Whereas, A knowledge of the Constitution of Texas is indispensable to a member of the Legislature; and,

Whereas, It is earnestly desired that each member of this body should study the Constitution before the convening of the next session of the Legislature; therefore be it

Resolved, That the Senate purchase thirty-two volumes, one for each member of this body, and one for the Lieutenant Governor, of Harris' Annotated Constitution, and that same be paid for out of the contingent expenses of the Senate.

HUDSPETH.  
COLLINS.

Senator Darwin offered the following amendment to the resolution:

Amend the resolution by adding: "No copy shall cost not more than \$3."

Senator Hudspeth moved to table the amendment, which motion was lost by the following vote:

Yeas—12.

Astin.	Hudspeth.
Bailey of De Witt.	Nugent.
Bailey of Harris.	Oliver.
Clark.	Real.
Collins.	Watson.
Hall.	Willacy.

Nays—14.

Brelsford.	McNealus.
Carter.	Taylor.
Conner.	Terrell.
Darwin.	Townsend.
Greer.	Warren.
Johnson.	Westbrook.
Lattimore.	Wiley.

Present—Not Voting.

Cowell.	Morrow.
---------	---------

Absent.

Gibson.	McGregor.
Harley.	

Senator Collins, by unanimous consent, withdrew the resolution.

**SENATE BILL NO. 54.**

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 54. A bill to be entitled "An Act to validate certain settlement on and purchase of public free school land, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	Lattimore.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Oliver.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

Present—Not Voting.

Bailey of De Witt.	Nugent.
Hall.	

Absent.

McGregor.

The bill was read third time and passed by the following vote:

Yeas—30.

Astin.	Johnson.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

McGregor.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 35.

(By Unanimous Consent.)

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 35 put on its second reading by the following vote:

Yeas—29.

Astin.	Lattimore.
Bailey of DeWitt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Clark.	Real.
Collins.	Taylor.
Corner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Hall.	Wiley.
Harley.	Willacy.
Hudspeth.	

Absent.

Johnson. McGregor.

The Chair laid before the Senate, on second reading,

House bill No. 35, known as the interstate liquor shipment bill. (See House message of today for caption in full.)

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

The bill was read.

Senator Morrow offered the following amendment:

Amend the bill by striking out Section 16.

Pending discussion, Senator Townsend moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—15.

Brelsford.	Lattimore.
Carter.	McNealus.
Collins.	Taylor.
Conner.	Townsend.
Cowell.	Warren.
Darwin.	Westbrook.
Greer.	Wiley.
Johnson.	

Nays—13.

Astin.	Bailey of Harris.
Bailey of De Witt.	Clark.

Hall.  
Harley.  
Hudspeth.  
Morrow.  
Oliver.

Real.  
Terrell.  
Watson.  
Willacy.

Absent.

Gibson.  
McGregor.

Nugent.

Senator Townsend offered the following amendment, which was read and adopted:

Amend the bill on last line of Section 5 by striking out the word "sold" and inserting in lieu thereof the word "used."

Senator Morrow offered the following amendment:

Amend the caption by striking out the following: "Requiring a participant or accomplice to testify and exempting such witness from punishment."

Senator Townsend moved to table the amendment, which motion was adopted.

Senator Watson offered the following amendment:

Amend the bill by striking out all of Section 14 and insert in lieu thereof the following:

"Any corporation which shall violate any of the provisions of this act shall for each such violation forfeit and pay the sum of five hundred dollars to the State of Texas. The county attorney for the county or in case there is no county attorney for said county, then the district attorney for the district, including such county in which such violation may occur, shall, upon credible information furnished him, institute suit or suits in the name of the State of Texas against such corporation for the recovery of said penalties; and in case of a recovery of any penalties, the said attorney instituting and prosecuting said cases shall be entitled to one-fourth of the amount thereof as commission for his services, and the remainder thereof shall be paid into the road and bridge fund of said county; provided, that the State of Texas shall in no event be liable for any costs in any suit authorized by this law to enforce its provisions and the State shall not be required to give any bond for costs in any suit instituted under the provisions of this act.

"And, provided further, that should any county or district attorney refuse to bring such suit after credible information has been furnished him, then and in that event any private person, a citizen of the county in which the violation occurred, may institute suit in his own name for the use and benefit of the State of Texas as provided for herein for the recovery of such penalties provided

for in this act; and said person so instituting any suit may be required to give security for costs as provided for under the general laws of the State of Texas.

"Provided, further, that should any private citizen institute suit as herein provided for, and he be required to give bond, and thereafter any county or district attorney desiring to prosecute same, said attorney shall be permitted so to do, and his name shall be entered upon the court docket where said case is pending, and thereafter said private citizen and his sureties shall be relieved of all costs in said case at that time remaining unpaid, which have accrued or which may thereafter accrue."

The amendment was read and adopted.

Senator Townsend offered the following amendment:

Amend the bill, Section 8, by adding after the word "licensed." where it first appeared in said section, and add the words "or authorized."

Senator Townsend moved the previous question on the amendment of the bill, which motion, being duly seconded, was so ordered.

The amendment was adopted.

The bill was read second time and passed to a third reading.

On motion of Mr. Townsend, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Present—Not Voting.

McNealus.

Absent.

Gibson.

McGregor.

The bill was read a third time, and Senator Watson offered the following amendment:

Amend the bill by adding at the end of Section 9, the following:

"Provided, however, should any per-

son so carrying any such liquors within or into the limit of any county or subdivision thereof, justice precinct, city or town in this State within which the sale of intoxicating liquors has been or may hereafter be prohibited under the laws of the State of Texas or of said county, or subdivision thereof, justice precinct, city or town, dispose of the same to any other person in such manner as same would not otherwise be a violation of or prohibited by the laws of such county or subdivision thereof, justice precinct, city or town, then such disposal of such intoxicating liquors so made shall be prima facie evidence of the intention of said person to use said intoxicating liquors for a purpose in violation of the provisions of this act, and that said liquors were not intended nor provided for the use of himself, or the members of his family residing with him."

Senator Townsend moved the previous question on the amendment and the bill, which motion, being duly seconded, was so ordered.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on House bill No. 40 by the following vote: Yeas 108, nays 0.

The House adopts the Free Conference Committee report on House bill No. 13, by the following vote: Yeas 103, nays 4.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

House Concurrent Resolution No. 12, Submitting to the qualified voters of Texas the question of calling a Constitutional Convention.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.



## HOUSE BILL NO. 2—REPORT OF FREE CONFERENCE COMMITTEE.

Committee Room,  
Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell,  
Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred House bill No. 2, with Senate amendments thereto, have had the same under consideration at a session of said committee, and beg leave to report it back to the Senate and House with the recommendation that it do not pass, but that the accompanying Free Conference Committee substitute for House bill No. 2 do pass in lieu thereof.

LATTIMORE,  
HUDSPETH,  
WILEY,  
COLLINS,  
BAILEY of Harris,  
WILLACY,

On the part of the Senate.

WORTHAM,  
HILL,  
GOODNER,  
KIRBY,  
WOODS,

On the part of the House.

## FREE CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2.

## A BILL

## To Be Entitled

An Act making appropriations for the support of the State government for two years beginning September 1, 1913, and ending August 31, 1915, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State government for the year ending August 31, 1913, and to pay various miscellaneous claims against the State, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the support of the State government from September 1, 1913, to August 31, 1915; provided, that each and every employe of each and every institution or department of this State shall be paid by voucher issued in his or her name; said voucher shall state the amount of salary or sum due, and for what service performed, with the date and time of said service, and no money or moneys shall be paid except upon presentation of said voucher or vouchers endorsed by the payee; provided, further, that all of said vouchers upon which any money or moneys have been paid shall be filed with the Comptroller for the inspection of the Governor and the Legislature or by their authority; and provided further, that the correct accounts shall be kept for all sums paid, or obligations outstanding against each item of appropriation herein, and weekly statements of the net balances to the credit of each account, after all payments made and obligations outstanding have been deducted, shall be forwarded to the State Comptroller, and it shall be unlawful for the State Purchasing Agent or the authority in charge of any institution or department of this State to purchase or issue orders for any supplies or otherwise pledge the credit of this State beyond the amounts herein appropriated or otherwise lawfully authorized.

Executive Office.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Governor.....	\$ 4,000 00	\$ 4,000 00
Salary of private secretary.....	2,400 00	2,400 00
Salary of two stenographers at \$1200 each.....	2,400 00	2,400 00
Salary of porter.....	480 00	480 00
Payment of rewards and other expenses necessary for the enforcement of the law, and telegraphing and telephoning for all purposes.....	7,500 00	7,500 00
Payment of rewards and other expenses necessary for the enforcement of the law heretofore authorized, to be expended under the direction of the Governor.....	1,000 00	
Traveling expenses of Governor.....	1,000 00	1,000 00
Books and stationery.....	500 00	500 00
Freight and postage.....	500 00	500 00
Ice .....	36 00	36 00
Contingent expenses .....	100 00	100 00
To pay Lieutenant Governor for acting as Governor, to be used in two years.....	500 00	
Salaries of Board of Pardon Advisers is hereby fixed at.	5,000 00	5,000 00
Salaries of stenographic clerk and bookkeeper for Board of Pardon Advisers.....	1,200 00	1,200 00
Contingent expenses of Board of Pardon Advisers.....	300 00	300 00
Furniture for Board of Pardon Advisers.....	200 00	
One typewriter for Board of Pardon Advisers.....	100 00	
Expenses of Board of Pardon Advisers in visiting penitentiaries, reformatory and camps.....	500 00	500 00
Total .....	\$ 27,716 00	\$ 25,916 00

The Governor of Texas is hereby authorized to pay into the State Treasury any and all funds that may be in his possession due to the volunteers from Texas in the war between the United States and Spain. Any such fund so paid into the State Treasury by the Governor shall be placed to the credit of the volunteers from Texas in the war with Spain, and upon proper proof being submitted in accordance with law by any volunteer from Texas to whom any portion of said money is due, the Governor shall approve same, and any accounts thus approved shall be sufficient upon which the Comptroller shall issue his warrant upon the State Treasury for payment of same, out of any money in the Treasury to the credit of the volunteers from Texas."

Mansion and Grounds.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
For Governor's Mansion, including repairs and remodeling of Mansion, improvement of grounds surrounding the Mansion, including repairs and improvements to Mansion and grounds and the necessary labor to care for same, to be expended in two years.	\$ 12,000 00	
Labor and employes at Mansion.....	1,000 00	\$ 1,000 00
Fuel, lights, water, ice, groceries and incidentals.....	2,000 00	2,000 00
Total .....	\$ 15,000 00	\$ 3,000 00

The appropriations herein provided for the Executive Office and Mansion and Grounds are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

## Department of State.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Secretary of State.....	\$ 2,000 00	\$ 2,000 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of cashier and clerk (to be placed under \$10,- 000 bond) .....	1,800 00	1,800 00
Salary of bookkeeper.....	1,500 00	1,500 00
Salary of general clerk.....	1,350 00	1,350 00
Salary of charter clerk.....	1,200 00	1,200 00
Salary of assistant bookkeeper.....	1,350 00	1,350 00
Salary of executive clerk.....	1,350 00	1,350 00
Salaries of three stenographers.....	3,600 00	3,600 00
Salary of porter.....	600 00	600 00
Salary of emergency clerks, not to exceed \$100 per month .....	2,500 00	2,500 00
Freight, postage, express, telegraphing and telephoning and contingent expenses.....	2,800 00	2,800 00
Books and stationery.....	1,500 00	1,500 00
Furniture, files and typewriters.....	600 00	600 00
For copying and proof reading Acts of the Called Ses- sion, Thirty-third Legislature.....	200 00	
Total .....	\$ 24,350 00	\$ 24,150 00

Provided, that the head of said department keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences shall be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

## State Revenue Agent.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of State Revenue Agent.....	\$ 2,000 00	\$ 2,000 00
Salary of chief clerk and stenographer.....	1,500 00	1,500 00
Traveling and other expenses.....	1,000 00	1,000 00
Stationery, stamps and telegraphing.....	300 00	300 00
Office furniture .....	200 00	
Total .....	\$ 5,000 00	\$ 4,800 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

## Public Buildings and Grounds.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Superintendent.....	\$ 1,500 00	\$ 1,500 00
Salary of Superintendent for looking after State's property at Austin.....	500 00	500 00
Salary of clerk.....	1,200 00	1,200 00
Salary of engineer and electrician.....	1,200 00	1,200 00

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Salary of assistant engineer and electrician.....	\$ 1,000 00	\$ 1,000 00
Salaries of seven watchmen, ex-confederate soldiers and sailors to be given preference in employment...	5,460 00	5,460 00
Salary of carpenter.....	1,000 00	1,000 00
Salaries of two firemen.....	1,440 00	1,440 00
Salary of two elevator operators.....	960 00	960 00
Salary of painter.....	1,100 00	1,100 00
Salary of plasterer.....	800 00	800 00
Salaries of seven cleaners.....	3,780 00	3,780 00
Salary of teamster.....	600 00	600 00
Salary of W. P. Zuber, guide in charge of paintings....	480 00	480 00
Salary of Mrs. Rebecca J. Fisher, assistant guide in charge of paintings.....	480 00	480 00
Labor and material on Capitol grounds; keeping State cemetery, repairing State sewer, headstones for Con- federate and Texas veterans interred in State ceme- tery .....	6,000 00	6,000 00
New fence around State cemetery.....	5,000 00	
Water, light, fuel, contingencies and to purchase ma- chinery .....	13,500 00	13,500 00
Oil and waste for engines, dynamos and steam pumps and drawing paper and stationery.....	400 00	400 00
Feed for teams.....	250 00	250 00
Tools and implements.....	200 00	200 00
Laying water mains and fire hydrants.....	4,000 00	
Paving for unfinished portions of Capitol drives.....	5,000 00	
Salaries of two night watchmen at Capitol building, for purpose of fire protection, to thoroughly patrol the building at least once each hour under direc- tion of Superintendent of Public Buildings and Grounds, at \$50 per month each.....	1,200 00	1,200 00
For improvements, maintenance and care of San Ja- cinto State Park.....	10,000 00	10,000 00
Salary of keeper of San Jacinto State Park.....	900 00	900 00
Feed for teams at San Jacinto State Park.....	200 00	200 00
Pipes and fittings.....	400 00	400 00
Repairing and repainting the Capitol and for furni- ture in House and Senate.....	1,500 00	1,500 00
For repairing roof of Capitol.....	7,500 00	
For the care and maintenance of the Fannin Battlefield State Park and the Gonzales State Park.....	1,000 00	1,000 00
Total .....	\$ 78,550 00	\$ 57,050 00

Provided, that the head of this department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department; and provided further, that the superintendent shall keep an itemized account of the expenses of the department and incorporate the same in his annual report.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Statutes of 1911.

#### Inspector of Masonry, Public Buildings and Works.

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Salary of Inspector.....	\$ 2,000 00	\$ 2,000 00
Salary of two assistants.....	3,600 00	3,600 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Stationery, postage and box rent.....	\$ 75 00	\$ 90 00
Office furniture, plan reading tables, shelving, cases for blue prints, record files for operation and materials on works for two years.....	300 00	300 00
Contingent office expenses, including telephone, water and ice .....	100 00	100 00
Material tests and analyses, long distance telephone, telegraphing, express and freight charges, incidentals pertaining to the supervision of State buildings and traveling expenses for two assistants and the Inspector .....	3,575 00	3,560 00
Total .....	\$ 9,650 00	\$ 9,650 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

#### Department of Insurance and Banking.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner is hereby fixed at.....	\$ 4,000 00	\$ 4,000 00
Salary of Commissioner as ex-officio Superintendent of Banking .....	500 00	500 00
Salary of Commissioner as member of State Insurance Commission .....	500 00	500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of actuary.....	2,500 00	2,500 00
Salary of actuary's clerk.....	1,500 00	1,500 00
Salary of bank clerk.....	1,800 00	1,800 00
Salaries of three assistant bank clerks.....	3,600 00	3,600 00
Salary of stenographer.....	1,200 00	1,200 00
Salary of certificate clerk.....	1,200 00	1,200 00
Salary of bookkeeper and general clerk.....	1,500 00	1,500 00
Salary of general clerk and stenographer.....	1,200 00	1,200 00
Salary of statistical clerk.....	1,200 00	1,200 00
Salary of stenographer, Banking Department.....	1,200 00	1,200 00
Salary of porter and file clerk.....	480 00	480 00
Traveling expenses, hotel bills, incurred by the Commissioner, or any of his assistants or employes when out of the city of Austin on business for the department .....	1,500 00	1,500 00
Expenses of Commissioner in enforcing the insurance and banking laws.....	2,000 00	2,000 00
Postage, stationery, telegraph, express and long distance phone calls .....	3,500 00	3,500 00
Rent of telephones.....	60 00	60 00
Binding annual statements of insurance companies....	50 00	50 00
Ice .....	36 00	36 00
Contingent expenses .....	250 00	250 00
Publishing insurance laws, to be expended in two years .....	500 00	500 00
Office furniture, including typewriters, calculating machines and other necessary repairs.....	1,000 00	500 00
Salaries of seventeen bank examiners at \$2000 each...	34,000 00	34,000 00
Traveling expenses of seventeen bank examiners, and of the Commissioner in connection with bank matters, or so much as may be necessary .....	31,875 00	31,875 00
Salaries of three additional bank examiners first year, and five second year, if necessary to be appointed;		



For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

provided, the Commissioner of Insurance and Banking is authorized to appoint necessary bank examiners not to exceed one for every forty banks organized and operated under the laws of this State.....	\$ 6,000 00	\$ 10,000 00
Traveling expenses of additional bank examiners, if appointed, or so much thereof as may be necessary....	5,625 00	9,375 00

State Insurance Commission.

Salaries of two members of State Insurance Commission to be appointed by the Governor, \$2500 each...	5,000 00	5,000 00
Compensation of experts, clerical force and other persons employed by the State Insurance Commission, and all necessary traveling expenses, and such other expenses as may be necessary in carrying out the provisions of the act creating said State Insurance Commission .....		94,500 00
Workmen's Compensation Act—		
Salary of chairman of Industrial Accident Board to be appointed by the Governor.....	3,000 00	3,000 00
Salaries of two members of Industrial Accident Board, to be appointed by the Governor, \$2500 each.....	5,000 00	5,000 00
Salary of Secretary of Industrial Accident Board.....	2,000 00	2,000 00
For clerical services, traveling expenses, office furniture and equipment, postage, telegraph, telephone, typewriter, express and such other expenses as may be necessary in carrying out the act creating said Industrial Accident Board.....	5,000 00	5,000 00
Expenses which may be incurred by the Board of Directors of the Texas Employers' Insurance Association, under the provisions of Section 23, Part III, Chapter 79, Acts of the Thirty-third Legislature, to be expended in two years.....	5,000 00	
Total of needed appropriations.....	\$135,776 00	\$232,526 00

Provided, that all money collected by the authority of law from insurance companies and State bank and trust companies be paid into the State Treasury.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes, except under the provisions provided for in Article 4242, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Texas Library and Historical Commission.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Librarian.....	\$ 2,000 00	\$ 2,000 00
Salary of assistant librarian and cataloguer.....	1,200 00	1,200 00
Salary of archivist.....	1,200 00	1,200 00
Salary of stenographer and copyist.....	1,000 00	1,000 00
Salary of general assistant.....	720 00	720 00
Books for State Library.....	1,000 00	1,000 00
Gathering historical data.....	700 00	700 00
Stationery, library supplies, postage, freight.....	500 00	500 00
Subscriptions to newspapers and periodicals.....	250 00	250 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Printing and publishing two volumes of Texas Archives, to be expended in two years.....	\$ 2,000 00	
Binding and repairs.....	400 00	400 00
Traveling expenses of Commission when attending board meetings .....	100 00	100 00
Traveling expenses of State Librarian in the service of the Commission .....	100 00	100 00
Collecting and disseminating information about public libraries .....	200 00	200 00
Shelving for books, newspapers and manuscripts, with the necessary stack floors, railings and stairs; tables and chairs for reading room; office furniture, filing cabinets for legislative reference section, card cata- logue cases; gratings over windows in manuscript room, cases for Texas, Mexican and Confederate flags.	2,000 00	2,000 00
Telephone rent .....	48 00	48 00
Contingent expenses, including typewriter.....	200 00	100 00
Fire extinguishers .....	150 00	
For maintenance of Legislative Reference Department	5,000 00	5,000 00
Total .....	\$ 18,768 00	\$ 16,518 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Statutes of 1911.

#### State Tax Board.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Tax Commissioner.....	\$ 2,500 00	\$ 2,500 00
Salary of stenographer.....	900 00	900 00
Extra accountant .....	300 00	300 00
Extra accountant help.....	300 00	300 00
Furniture .....	100 00	
Typewriter .....	100 00	
Postage, express, telegraph and telephone.....	300 00	300 00
Books and stationery.....	100 00	50 00
Contingent expenses .....	100 00	100 00
Total .....	\$ 4,472 00	\$ 4,252 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences shall be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### State Purchasing Agent.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of State Purchasing Agent is hereby fixed at...	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	1,500 00	1,500 00
Salary of assistant clerk.....	1,200 00	1,200 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of porter.....	\$ 480 00	\$ 480 00
Extra help for preparing and making awards.....	150 00	150 00
One electric adding machine.....	355 00	
One typewriter .....		85 00
Furniture .....	100 00	
Contingent and traveling expenses.....	850 00	850 00
Total .....	\$ 7,135 00	\$ 6,765 00

Provided further, that the State Purchasing Agent shall advise the Financial Agent of the State Penitentiary when any department or State institution desires or needs any furniture or machinery, or anything else that is or may be manufactured at the State penitentiary, or the time set for receiving bids for said articles. Said notification shall be made by means of sending a duplicate notice of any public advertisement calling for bids by registered mail to the Financial Agent of the Penitentiary at Huntsville.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

#### Public Printing.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Expert Printer and Secretary of Printing Board .....	\$ 1,800 00	\$ 1,800 00
Salary of one assistant and bookkeeper.....	1,200 00	1,200 00
First, second and third class printing and binding, and for printing papers of first, second and third class public printing .....	30,000 00	30,000 00
For printing and binding Texas Reports, Texas Civil Appeals Reports and Texas Criminal Reports.....	9,000 00	9,000 00
For advertising State business.....	500 00	500 00
Telephone rent, postage, stationery and files, furniture and contingent expenses.....	150 00	150 00
Total .....	\$ 42,650 00	\$ 42,650 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### Bureau of Labor Statistics.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner.....	\$ 2,000 00	\$ 2,000 00
Salary of two factory inspectors.....	3,000 00	3,000 00
Salary of one safety appliance inspector.....	1,500 00	1,500 00
Salary of one statistician and stenographer.....	1,500 00	1,500 00
Traveling expenses for the department.....	5,100 00	5,100 00
Stationery and postage.....	300 00	300 00
One typewriter, one bookcase.....	110 00	
Contingent expenses, telegraphing, telephone, ice and janitor .....	212 00	212 00
Totals .....	\$ 13,722 00	\$ 13,612 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Adjutant General's Department.

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Salary of Adjutant General.....	\$ 2,000 00	\$ 2,000 00
Salary of Assistant Adjutant General, who shall be chief clerk .....	1,800 00	1,800 00
Salary of Quartermaster General.....	1,500 00	1,500 00
Salary of stenographer.....	1,200 00	1,200 00
Salary of porter, messenger and armorer.....	480 00	480 00
Stationery, postage, telegraphing and telephoning.....	1,000 00	1,000 00
Ranger force in suppression of lawlessness and crime...	20,000 00	20,000 00
Payment of transportation and subsistence for the Texas National Guard when called into actual serv- ice under the law, and for such other military ex- penses incidental thereto, or so much thereof as may be necessary .....	5,000 00	5,000 00
For labor in arsenal and storeroom, repair of arms and equipment, laundry and repair of uniforms in store- rooms, transportation of military stores and supplies, transportation and expenses of officers serving on military courts and boards, and transportation and expenses of witnesses appearing before military courts and boards .....	2,500 00	2,500 00
Payment of transportation and subsistence of Texas National Guard for camps of instruction at Camp Mabry, and all other military expenses.....	10,000 00	10,000 00
Office files, furniture and floor coverings.....	400 00	100 00
Rent and maintenance of armories and purchase of armory equipment .....	20,000 00	20,000 00
Erection of storehouse at Camp Mabry.....	20,000 00	
To make the final payment on 63 acres of land adjoining Camp Mabry.....	3,412 00	
Total .....	\$ 89,292 00	\$ 65,580 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Texas State Board of Health.

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Salary of president.....	\$ 2,500 00	\$ 2,500 00
Salary of board and mileage.....	1,000 00	1,000 00
Salary of registrar of vital statistics.....	1,800 00	1,800 00
Salary of chemist and bacteriologist.....	1,800 00	1,800 00
Salary of stenographer and bookkeeper.....	1,200 00	1,200 00
Salary of filing and index and general clerk.....	900 00	900 00
Salary of porter.....	480 00	480 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of quarantine officer at Galveston when actually engaged in service, at \$200 per month.....	\$ 2,400 00	\$ 2,400 00
Salary of assistant quarantine officer at Galveston when actually engaged in service.....	1,500 00	1,500 00
Salary of engineer on launch at Galveston, at \$75 per month .....	900 00	900 00
Salary of disinfecter at Galveston, at \$75 per month..	900 00	900 00
Salary of two assistant disinfectors at Galveston, at \$720 each .....	1,440 00	1,440 00
Salary of captain on disinfecting vessel at Galveston, at \$100 per month.....	1,200 00	1,200 00
Salary of engineer on disinfecting vessel at Galveston, at \$100 per month.....	1,200 00	1,200 00
Salaries of two deck hands on disinfecting vessel at Galveston, \$720 each.....	1,440 00	1,440 00
Salary of quarantine officer at Sabine Pass, when actually engaged in service, at \$150 per month.....	1,800 00	1,800 00
Salary of one disinfecter at Sabine Pass, at \$60 per month .....	720 00	720 00
Salary of one boatman at Sabine Pass, at \$50 per month	600 00	600 00
Salary of engineer at disinfecting plant at Sabine Pass, at \$75 per month.....	900 00	900 00
Salary of quarantine inspector at Brownsville, when actually engaged in service, at \$150 per month for six months .....	900 00	900 00
Salary of quarantine officer at Aransas Pass, when actually engaged in service, at \$150 per month.....	1,800 00	1,800 00
Salary of boatman at Aransas Pass, when actually engaged in service, at \$50 per month.....	600 00	600 00
Salary of engineer at Aransas Pass.....	900 00	900 00
Salary of quarantine officer at Velasco, when actually engaged in service, at \$100 per month.....	1,200 00	1,200 00
Salary of quarantine officer at Pass Cavallo, when actually engaged in service, at \$50 per month, for six months .....	300 00	300 00
Salary of boatman at Pass Cavallo, when actually engaged in service, at \$10 per month.....	120 00	120 00
Salary of quarantine officer at El Paso while actually engaged in service, at \$150 per month, for six months	900 00	900 00
Salary of quarantine officer at Eagle Pass, when actually engaged in service, at \$150 per month.....	900 00	900 00
Salary of quarantine officer at Laredo, when actually engaged in service, at \$150 per month, for six months	900 00	900 00
Traveling expenses and office expenses, including telegraphing and telephoning, and maintenance of permanent quarantine station, except for salaries at Galveston, Sabine Pass, Velasco, Pass Cavallo, Brownsville, Eagle Pass and El Paso, for guarding State line at other places against infectious diseases as may become necessary from time to time, and for necessary repairs to State property; also for necessary expenses, equipment and supplies for the hookworm department and for charbon work and the State laboratory each year .....	15,000 00	15,000 00
Purchase of boat at Sabine Pass.....	6,000 00	
Purchase of boat at Aransas Pass.....	6,000 00	
For the purpose of carrying out the provisions of House bill No. 366 as passed by the Thirty-third Legislature, providing for a public health exhibit in rail-		



For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

road car or cars, and carrying on educational campaign for the protection of public health against communicable diseases .....	\$ 10,000 00	\$ 10,000 00
Total .....	\$ 70,200 00	\$ 58,200 00

Provided, that the President of said Board may abolish such positions as are herein set forth, if, in his judgment, the same are not necessary for the protection of the public health, or he may require officers to perform such other work in his department as he may think for the interest of the public health.

Provided, that the President of said Board shall submit to the Governor at the end of each three months an itemized report, showing the manner in which said funds are expended; and said itemized report shall, after approval, be filed with the Comptroller for public inspection.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record shall be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Game, Fish and Oyster Commission.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915

Salary of Commissioner.....	\$ 1,800 00	1,800 00
Salary of general clerk and stenographer.....	1,200 00	1,200 00
Salary of first assistant to enforce game laws.....	1,200 00	1,200 00
Salary of second assistant to enforce game laws.....	1,200 00	1,200 00
Salary of third assistant to enforce game laws.....	1,200 00	1,200 00
Office rent, traveling expenses and other expenses of the Commissioner .....	600 00	600 00
Stationery .....	50 00	50 00
Purchasing and repairing boats, to be expended in two years .....	2,500 00	
Total .....	\$ 9,750 00	\$ 7,250 00

Provided, that the salary of the chief deputy Game, Fish and Oyster Commissioner, deputy fish and oyster commissioner, and deputy game commissioners, and all necessary expenses of the department, including means of transportation for the Commissioner and deputies and their traveling expenses in the enforcement of the law, furniture for office at Austin, stationery, printing, one adding machine, stamps, etc., to be paid out of the fish and oyster and game funds on designation and approval of the Commissioner.

Provided, the Commissioner may expend not to exceed \$1000 of such funds each year in procuring a museum collection of fish, oysters, animals and birds and their skins and eggs for scientific purposes.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

## Live Stock Sanitary Commission.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
To pay per diem and expenses of three Commissioners..	\$ 4,000 00	\$ 4,000 00
Salary of chief inspector.....	1,500 00	1,500 00
Expenses of chief inspector.....	600 00	600 00
Salaries of thirty inspectors at \$1000 each.....	30,000 00	30,000 00
Expense account of inspectors engaged in tick or scab eradication and charbon work, at \$25 per month....	9,000 00	9,000 00
Emergency fund for extra help.....	3,500 00	3,500 00
Expense of stationery inspectors, approximating five, at \$10 per month.....	600 00	600 00
Salary of State Veterinarian.....	1,800 00	1,800 00
Expense account of State Veterinarian.....	700 00	700 00
Salary of stenographer and bookkeeper.....	1,200 00	1,200 00
Office rent, stationery, stamps, telegrams and telephone bills and other necessary office expenses.....	1,000 00	1,000 00
Spray pumps and medicine furnished inspectors engaged in tick and scab eradication work.....	600 00	600 00
Total .....	\$ 54,000 00	\$ 54,500 00

Provided, that the inspectors of the Live Stock Sanitary Commission provided for in this bill shall be exempt from the provisions of Article 1533 of the Revised Criminal Statutes of 1911.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

## State Mining Board.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Per diem expense of Board.....	\$ 600 00	\$ 600 00
Traveling expenses of the Board.....	1,000 00	1,000 00
Maintaining and equipping an office for the use of the State Mining Board and State Mine Inspector.....	900 00	900 00
Salary of State Mine Inspector.....	2,000 00	2,000 00
Traveling expenses of State Mine Inspector.....	1,000 00	1,000 00
For the purchase of oxygen helmet apparatus for instruction and mine rescue work and for the expense of maintenance .....	2,000 00	
Total .....	\$ 7,500 00	\$ 4,900 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

## Pure Food Commission.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner is hereby fixed at.....	\$ 2,500 00	\$ 2,500 00
Salaries of two chemists.....	3,600 00	3,600 00
Salaries of two inspectors.....	3,000 00	3,000 00
Salary of stenographer.....	1,200 00	1,200 00
Office and laboratory supplies.....	900 00	900 00

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Stamps and stationery.....	\$ 300 00	\$ 300 00
Traveling and other expenses.....	4,000 00	4,000 00
Total .....	\$ 15,500 00	\$ 15,500 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

#### State Pension Department.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Pension Commissioner.....	\$ 2,000 00	\$ 2,000 00
Salary of clerk.....	1,200 00	1,200 00
Salary of stenographer.....	1,200 00	1,200 00
Stationery, postage and contingent expenses.....	2,500 00	2,500 00
One typewriter .....	100 00	
To pay veterans of Mexican war as provided by Article 6257 of the Revised Statutes of 1911.....	14,500 00	14,500 00
Total .....	\$ 21,500 00	\$ 21,400 00

For the payment of Confederate pensions, all of the net revenue accruing from the assessment and collection of the tax of five cents on the one hundred dollars, according to the provisions of Chapter 141, Acts of the Regular Session of the Thirty-third Legislature, are hereby appropriated for the payment of pensions under the provisions of said act.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

#### Attorney General's Department.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Attorney General.....	\$ 2,000 00	\$ 2,000 00
And the further sum each year, or so much thereof as may be necessary, to pay such fees as may be prescribed by law.....	2,000 00	2,000 00
Salary of First Assistant, who shall act as Attorney General in the absence of the Attorney General....	3,500 00	3,500 00
Salary of assistant, who shall assist the Attorney General in enforcing anti-trust laws.....	3,000 00	3,000 00
Salary of the assistant who has charge of all matters pertaining to railroad litigation.....	3,000 00	3,000 00
Salaries of four other assistants who shall perform such duties as may be assigned by the Attorney General, at \$3000 each per year.....	12,000 00	12,000 00
Salary of assistant bond examiner.....	2,400 00	2,400 00
Salary of chief clerk and bookkeeper.....	1,800 00	1,800 00
Salaries of three stenographers; also an additional stenographer, if necessary, not exceeding \$100 per month	4,800 00	4,800 00
Salary of porter.....	480 00	480 00
Furniture, typewriters, postage, telephone service, telegraph services and fixtures for office.....	1,250 00	1,250 00

	For the Years Ending	
	Aug. 31, 1913.	Aug. 31, 1915.
Law books and periodicals.....	\$ 1,000 00	\$ 500 00
Actual traveling expenses incurred by the Attorney General and any of his assistants and representatives, in giving attention to the State's business pending elsewhere than in the courts of the city of Austin.....	1,000 00	1,000 00
Cost in civil cases, in which the State of Texas, or any head of a department is a party.....	1,500 00	1,500 00
For the enforcement of the anti-trust, land, corporation and other laws.....	7,500 00	7,500 00
For the necessary expenses in defending cause original No. 13, The State of New Mexico vs. The State of Texas, pending in the Supreme Court of the United States, involving the boundary between the State of New Mexico and the State of Texas, including cost of investigation and all other necessary expenses pertaining to this suit.....	10,000 00	
Total .....	\$ 57,230 00	\$ 46,730 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as to the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Statutes.

#### Department of Education.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of State Superintendent.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of assistant to Superintendent.....	1,800 00	1,800 00
Salary of law and certificate clerk.....	1,350 00	1,350 00
Salary of statistical clerk.....	1,220 00	1,220 00
Salary of auditing and apportionment clerk.....	1,220 00	1,220 00
Salaries of two stenographic, filing and general clerks..	2,400 00	2,400 00
Salary of mailing and blank room clerk.....	1,000 00	1,000 00
Salaries of two clerks for three months—July, August and September—at \$100 per month each.....	600 00	600 00
Salary of porter.....	480 00	480 00
Actual traveling expenses of State Superintendent or his representative when on official duty.....	1,000 00	1,000 00
Postage, stationery, office furniture, files, binding reports and other books, forms and pamphlets.....	3,500 00	3,500 00
Express, freight, telegraphing and telephoning.....	2,000 00	2,000 00
Contingent expenses .....	100 00	100 00
Paper, printing and distributing county superintendents' record books, teachers' daily questions, teachers' superintendents' and treasurers' blank reports, census blanks, courses of study, circulars to school officers and teachers and other blank forms for use of teachers and other school officers or for the advancement of the cause of education.....	9,000 00	9,000 00
For continuing State aid to such high schools as have heretofore established departments of agriculture, manual training or domestic economy; provided, that the inspector from the State Department of Educa-		

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

tion after visiting said high schools finds further State aid advisable and necessary and recommends it; and for establishing, equipping and maintaining such departments in additional high schools in accordance with the provisions of Section 3, Chapter 26, General Laws, Regular Session, Thirty-second Legislature . . . . .	\$100,000 00	\$100,000 00
For support of public free schools for two years all the available free school fund arising from the interest or lease of the school lands, interest on bonds, school taxes and all other sources of revenue to said fund.		
Total . . . . .	\$130,170 00	\$130,170 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Treasury Department.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Treasurer . . . . .	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk . . . . .	2,000 00	2,000 00
Salaries of three assistants . . . . .	4,500 00	4,500 00
Salary of stenographer and general assistant clerk . . . . .	1,200 00	1,200 00
Salary of night watchman . . . . .	800 00	800 00
Salary of porter . . . . .	480 00	480 00
Books, stationery, furniture and postage . . . . .	2,300 00	1,200 00
Keeping in repair time locks, combination, vaults and office furniture and files . . . . .	100 00	100 00
Contingent expenses . . . . .	300 00	300 00
To pay express charges, etc . . . . .	50 00	50 00
Total . . . . .	\$ 14,230 00	\$ 13,130 00

To refund to purchasers and to lessees of public domain, public school, University or asylum lands, and to purchasers of timber, or their vendees or assignees, money which has been or which may be paid by them into the State Treasury, or to the Attorney General, if in any of the following instances: (a) Through error made in good faith, to be supported by the official signature of the State Treasurer or of the Attorney General, to whom such payment is made; (b) where the payment is made in accordance with law, but title can not issue or possession can not pass because of conflict in boundaries, erroneous sale, erroneous leases, or other causes; (c) in case of sales of leased lands; (d) where lease money has been paid on previously forfeited sales, the same having been reinstated and all back interest paid; (e) where erroneous timber sales have been made; (f) where overpayments have been made in final payments to State Treasurer; (g) where a reduction



For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

has been made in acreage of timber sold or of lands sold or leased; (h) in case of sale of timber which has been previously cut and appropriated without such fact having been reported to the General Land Office prior to such sale; and to pay over to newly organized counties where school lands set apart to such county are under lease at the time of the organization of such county the previously paid but unearned portion of lease money on such lands; all refunds and payments herein provided for to be paid out of the respective funds to which such payments have been made or may be credited, and all claims for refund or payment except those embraced in subdivision (a) hereof to be certified by the certificate of the Commissioner of the General Land Office and also by the certificate of the Attorney General, as the case may be, as to the proper amount, and all such claims to be verified by the affidavit of the claimant and approved by the Attorney General as to the correctness of the claims and to whom due; provided, that the money so paid by any purchaser or lessee shall be refunded to the vendee or assignee of such purchaser or lessee in case of sale of land by the purchaser or assignment of the lease by the lessee after payment of such money, so that such refund to be paid to the person upon whom the loss falls in case of failure of the title or right of possession....\$ 25,000 00 \$ 25,000 00

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record of such absences shall be incorporated in the report made annually by the head of said institution.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Comptroller's Department.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salary of Comptroller.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of chief bookkeeper.....	1,800 00	1,800 00
Salary of assistant bookkeeper.....	1,500 00	1,500 00
Salary of corresponding clerk.....	1,200 00	1,200 00
Salary of assistant corresponding clerk.....	1,200 00	1,200 00
Salary of one license permit clerk.....	1,500 00	1,500 00
Salaries of two sheriffs' clerks, witnesses' and attorneys' accounts at \$1500 each.....	3,000 00	3,000 00
Salary of assistant sheriffs' clerk, witnesses' and attorneys' accountants .....	1,200 00	1,200 00
Salary of receiving clerk, who shall perform the duties of first assistant clerk to the Comptroller.....	1,350 00	1,350 00
Salary of clerk for registering county and city bonds..	1,500 00	1,500 00
Salary of general warrant clerk.....	1,500 00	1,500 00
Salary of assistant warrant clerk.....	1,200 00	1,200 00
Salary of school and special warrant clerk.....	1,500 00	1,500 00
Salary of bookkeeper in warrant department.....	1,500 00	1,500 00
Salary of chief tax clerk.....	1,500 00	1,500 00
Salary of assistant tax clerk.....	1,200 00	1,200 00

	For the Years Ending Aug. 31, 1914. Aug. 31, 1915.	
Salary of assistant special tax clerk.....	\$ 1,200 00	\$ 1,200 00
Salary of redemption clerk.....	1,500 00	1,500 00
Salaries of three assistant redemption clerks at \$1200 each .....	3,600 00	3,600 00
Salary of examining clerk.....	1,350 00	1,350 00
Salary of assistant examining clerk.....	1,200 00	1,200 00
Salary of auditing clerk.....	1,500 00	1,500 00
Salaries of two assistant auditing clerks.....	2,400 00	2,400 00
Salary of pension clerk.....	1,500 00	1,500 00
Salary of two assistant pension clerks at \$1200 each..	2,400 00	2,400 00
Salary of deposit warrant and register clerk.....	1,200 00	1,200 00
Salary of general warrant and register clerk.....	1,200 00	1,200 00
Salary of cancellation and erroneous assessments clerk	1,200 00	1,200 00
Salary of stenographer, who shall perform such other duties as may be required by the Comptroller.....	1,200 00	1,200 00
Salary of unorganized county tax clerk.....	1,200 00	1,200 00
Salary of mailing and file clerk.....	1,200 00	1,200 00
Salary of assistant mailing and file clerk.....	1,200 00	1,200 00
Salary of messenger and file clerk.....	900 00	900 00
Salaries of two porters, at \$480 each.....	960 00	960 00
For cleaning up basement under Comptroller's Department, indexing records and books; purchasing file cases, etc.....	2,500 00	2,500 00
To purchase two adding machines.....	1,000 00	
Letter-addressing machine .....	500 00	
Steel filing cases for Redemption Department.....	3,000 00	
Postage, telegraphing, express, office furniture and floor covering .....	7,500 00	7,500 00
Contingent expenses .....	250 00	250 00
Books and stationery.....	1,500 00	1,500 00
Traveling expenses for Comptroller or his representatives, when necessary to check up tax collectors' accounts, or official business.....	500 00	500 00
For enforcing the provisions of Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i, of Chapter 17 of the Acts of the First Called Session of the Thirty-first Legislature; also for enforcing the provisions of Chapters 67 and 75 of the General Laws of the Thirty-third Legislature passed at its Regular Session, convened on January 14, 1913, adjourned on April 1, 1913, and all other laws regulating the sale of intoxicating liquors. The Governor, Attorney General and Comptroller shall employ secret service men such as may be necessary, to be paid out of the appropriation herein made, whose duties shall be to ferret out all violations of the foregoing laws. Any two of the above named officials, to wit, the Governor, Attorney General and Comptroller, may act, but the secret service men shall be under the control of the Comptroller, \$25,000, or so much thereof as may be necessary, and same shall be spent in two years, beginning September 1, 1913, and ending August 31, 1915. Provided, \$10,000 of the said amount shall be for enforcing the provisions of Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i, of Chapter 17, of the Acts of the First Called Session of the Thirty-first Legislature, and the remainder for the purposes herein specified.....	25,000 00	
Total .....	\$ 95,810 00	\$ 86,310 00

Provided, that the head of said department keep a record of absences of the various employes and the reason therefor, whether from sickness, vacation or on

leave of absence, and that the record of such absence be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

#### General Land Office.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of legal examiner.....	1,500 00	1,500 00
Salary of receiver.....	1,500 00	1,500 00
Salary of Spanish translator.....	1,400 00	1,400 00
Salary of old title and deposition clerk.....	1,500 00	1,500 00
Salary of head transcript clerk.....	1,300 00	1,300 00
Salary of two assistant transcript clerks at \$1200 each	2,400 00	2,400 00
Salary of two patent clerks at \$1200 each.....	2,400 00	2,400 00
Salary of head transfer clerk.....	1,400 00	1,400 00
Salary of assistant transfer clerk.....	1,200 00	1,200 00
Salary of custodian of files and file room clerk.....	1,200 00	1,200 00
Salary of letter registry clerk.....	1,200 00	1,200 00
Salary of letter index clerk.....	1,200 00	1,200 00
Salary of compiling abstract clerk.....	1,500 00	1,500 00
Salaries of seven corresponding clerks at \$1200 each...	8,400 00	8,400 00
Salary of night watchman.....	600 00	600 00
Salary of janitor.....	750 00	750 00

#### School Land Division—

Salary of chief clerk.....	\$ 1,500 00	\$ 1,500 00
Salary of head sales clerk.....	1,350 00	1,350 00
Salary of award clerk.....	1,200 00	1,200 00

#### Accounting Division—

Salary of cashier.....	\$ 1,600 00	\$ 1,600 00
Salary of remittance listing clerk.....	1,300 00	1,300 00
Salary of four bookkeepers, at \$1500 each.....	6,000 00	6,000 00

#### Drafting Division—

Salary of chief draftsman.....	\$ 1,600 00	\$ 1,600 00
Salary of five compiling draftsmen, at \$1400 each.....	7,000 00	7,000 00
Salary of six assistant draftsmen, at \$1200 each.....	7,200 00	7,200 00

#### Miscellaneous Items—

Postage, stationery, books and express.....	\$ 4,000 00	\$ 4,000 00
Vellum, blue print paper and drafting supplies.....	1,250 00	1,250 00
Furniture, fixtures and repairs of same.....	250 00	250 00
Wood, water and ice.....	400 00	400 00
Telephone, telegraphing, towels and laundry of towels..	150 00	150 00
Traveling expenses of Commissioner.....	750 00	750 00
Contingent expenses .....	250 00	250 00
Repair of building, to be expended in two years.....	5,000 00	

Total .....	\$ 74,000 00	\$ 69,000 00
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Provided, that it shall be the duty of the Commissioner of the General Land Office to change any employe of his office to any desk or place when necessary to keep all employed.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### Railroad Commission.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salaries of three Commissioners.....	\$ 12,000 00	\$ 12,000 00
Salary of secretary.....	1,800 00	1,800 00
Salary of one expert rate clerk.....	2,700 00	2,700 00
Salary of one assistant expert rate clerk.....	2,500 00	2,500 00
Salary of rate clerk.....	1,500 00	1,500 00
Salary of one assistant expert accountant and rate clerk.....	1,800 00	1,800 00
Salary of one chief expert accountant.....	2,700 00	2,700 00
Salary of one chief civil engineer.....	3,000 00	3,000 00
Salaries of two additional experts at \$2400 each.....	4,800 00	4,800 00
Salaries of two general clerks at \$1200 each.....	2,400 00	2,400 00
Salary of porter.....	480 00	480 00
For contingent expenses, sheriffs' fees, transportation of Commissioners and clerks, furniture, fixtures and files, postage, stationery, books, telegraph, telephone and express charges, for printing blanks, maps, pamphlets, rulings, tariffs and for other necessary expenses.....	7,500 00	7,500 00
Salaries of two assistant experts at \$1500 each.....	3,000 00	3,000 00
Total .....	\$ 46,180 00	\$ 46,180 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that said record be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

#### Department of Agriculture.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Salary of Commissioner.....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	1,500 00	1,500 00
Salary of stenographer.....	1,200 00	1,200 00
Salary of porter.....	480 00	480 00
Furniture .....	100 00	100 00
Floor coverings .....	270 00	
Stationery, postage, express and telegraphing, or so much thereof as may be necessary.....	3,000 00	3,000 00
Telephone rent .....	48 00	48 00
Traveling expenses of Commissioner and chief clerk...	1,000 00	1,000 00
Collecting, compiling and disseminating agricultural information .....	20,000 00	20,000 00
Enforcing nursery and orchard inspection law.....	7,500 00	7,500 00
Contingent expenses .....	100 00	100 00
Conducting farmers' institute work.....	25,000 00	25,000 00
Poultry experiments in feeding and breeding, eradication of diseases and parasites; inspection and further advancing farm poultry interests.....	1,000 00	1,000 00

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

For collecting, tabulating and systematizing information in regard to the best methods and plans for marketing farm products, and for disseminating such information through bulletins, circular letters, press announcements, reports and other approved public agencies, to be expended under the supervision of the Department of Agriculture, and to be expended in two years .....	\$ 15,000 00	
For the purpose of aiding experiment stations in collecting, maintaining, transporting and exhibiting farm products at the National Corn Show, to be held at Dallas, Texas .....	10,000 00	
Total .....	\$ 88,698 00	\$ 63,428 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Board of Water Engineers.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

Salaries of three members of Board at \$3600 each.....	\$ 10,800 00	\$ 10,800 00
Salary of secretary.....	2,000 00	2,000 00
Salary of stenographer.....	1,200 00	1,200 00
Furniture, stationery, supplies, etc.....	1,000 00	1,000 00
Traveling expenses of members and employes.....	5,000 00	5,000 00
Contingent expenses .....	200 00	200 00
Total .....	\$ 20,200 00	\$ 20,200 00

Provided, that any additional field or office assistant or expenses which may be necessary because of the provisions of the act creating the Board of Water Engineers, not covered by the provisions herein specified, may be allowed by the Governor upon proper application, sworn to by the chairman of the Board of Water Engineers, such additional expenses to be paid out of the fees to be collected by the Board of Water Engineers under the provisions of said act.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

State Levee and Drainage Board.

For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

For salary State Reclamation Engineer.....	\$ 3,600 00	\$ 3,600 00
For the purpose of carrying out the primary object of the work, as stated in said Chapter 145, General Laws of 1913, towit: to make the necessary investigations, examinations, measurements, computations,		



For the Years Ending  
Aug. 31, 1914. Aug. 31, 1915.

estimates, surveys, maps, reports, and publications, and doing any other necessary work incident thereto which may be required in the process of designing, planning or marking out on the ground the most effective, practical, permanent, economical, feasible and equitable improvements or system of improvements, such as levees, dykes, dams, canals, drains, waterways, or reservoirs, or any or all of them, and other improvements incidental thereto; and for the employment of such assistants and the making of such purchases as may be necessary to further carry out the provisions of said Chapter 145, General Laws of 1913; for the two fiscal years ending August 31.

1915 .....\$ 44,800 00

Total .....\$ 48,400 00      \$ 3,600 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, the Governor, Attorney General and State Comptroller, are hereby authorized to pass upon the value of the portrait of Hon. John H. Reagan, now adorning the walls of the Senate Chamber, and an appropriation is hereby made out of any money in the State Treasury, not otherwise appropriated, equal to the value of said portrait, as ascertained by the said Governor, Attorney General and State Comptroller, or a majority thereof, for the purpose of purchasing said portrait.

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

#### Recapitulation.

	For the Years Ending	
	Aug. 31, 1914.	Aug. 31, 1915.
Executive Office .....	\$ 27,716 00	\$ 25,916 00
Mansion and grounds.....	15,000 00	3,000 00
Department of State.....	24,350 00	24,150 00
State Revenue Agent.....	5,000 00	4,800 00
Public Buildings and Grounds.....	78,550 00	57,050 00
Inspector of Masonry, etc.....	9,650 00	9,650 00
Insurance and Banking.....	135,776 00	232,526 00
Texas Library Commission.....	18,768 00	16,518 00
State Tax Board.....	4,472 00	4,252 00
State Purchasing Agent.....	7,135 00	6,765 00
Public Printing .....	42,650 00	42,650 00
Labor Bureau .....	13,722 00	13,612 00
Adjutant General's Department.....	89,292 00	65,580 00
State Board of Health.....	70,200 00	58,200 00
Game, Fish and Oyster Commission.....	9,750 00	7,250 00
Live Stock Commission.....	54,500 00	54,500 00
State Mining Board.....	7,500 00	4,900 00
Board of Water Engineers.....	21,000 00	20,500 00
Pure Food Commission.....	15,500 00	15,500 00
State Pension Department.....	21,500 00	21,400 00
Attorney General's Department.....	57,230 00	46,730 00
Department of Education.....	130,170 00	130,170 00

	For the Years Ending	
	Aug. 31, 1913.	Aug. 31, 1915.
Treasury Department .....	\$ 14,230 00	\$ 13,130 00
Comptroller's Department .....	95,810 00	66,310 00
General Land Office.....	74,000 00	69,000 00
Railroad Commission .....	46,180 00	46,180 00
Department of Agriculture.....	88,698 00	63,428 00
Board of Water Engineers.....	20,200 00	20,200 00
Levee and Draniage Board.....	48,400 00	3,600 00
Total .....	\$1,246,949 00	\$1,147,467 00

The above report was read and adopted by the following vote:

Yeas—30.

Astin.	Cowell.	Lattimore.	Townsend.
Bailey of De Witt.	Darwin.	McNealus.	Warren.
Bailey of Harris.	Gibson.	Morrow.	Watson.
Brelsford.	Greer.	Nugent.	Westbrook.
Carter.	Hall.	Oliver.	Wiley.
Clark.	Harley.	Real	Willacy.
Collins.	Hudspeth.	Taylor.	
Conner.	Johnson.	Terrell.	

Absent.

McGregor.

HOUSE CONCURRENT RESOLUTION NO. 12.

The Chair laid before the Senate, which was read, House Concurrent Resolution No. 12, submitting to the qualified voters of Texas, the question of calling a constitutional convention.

Senator Lattimore moved that the resolution be adopted.

Senator Watson made the point of order that the resolution was of such character that it would have to be signed by the Governor, being under the rules governing the consideration of bills, etc., and should be referred to a committee; also that the subject matter contained in same had not been submitted to the Legislature by the Governor.

Pending discussion, Senator Lattimore asked that the resolution lay on the table subject to call.

Hall.	Terrell.
Harley.	Watson.
Hudspeth.	Willacy.
Oliver.	

Nays—18.

Brelsford.	Lattimore.
Carter.	Morrow.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Johnson.	Wiley.

Present—Not Voting.

McNealus.

Absent.

McGregor.

The bill was read third time and passed by the following vote:

Yeas—30.

Astin.	Harley.
Bailey of DeWitt.	Hudspeth.
Bailey of Harris.	Johnson.
Brelsford.	Lattimore.
Carter.	McNealus.
Clark.	Morrow.
Collins.	Nugent.
Conner.	Oliver.
Cowell.	Real.
Darwin.	Taylor.
Gibson.	Terrell.
Greer.	Townsend.
Hall.	Warren.

HOUSE BILL NO. 35.

(Pending Business.)

Action recurred on the pending business, the question being on the pending amendment by Senator Watson.

The amendment was read second time and lost by the following vote:

Yeas—11.

Astin.	Bailey of Harris.
Bailey of De Witt.	Clark.

Watson.  
Westbrook.

Wiley.  
Willacy.

Absent.

McGregor.

Senator Townsend moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 44.

(Pending Business.)

Action recurred on the pending business, House bill No. 44, the question being on the amendment by Senators Darwin and Willacy.

The amendment was adopted by the following vote:

Yeas—16.

Carter.	Nugent.
Clark.	Oliver.
Conner.	Real.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Johnson.	Wiley.
Morrow.	Willacy.

Nays—11.

Astin.	Lattimore.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Taylor.
Brelsford.	Terrell.
Collins.	Townsend.
Cowell.	

Present—Not Voting.

Hall.	Harley.
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Absent.

Hudspeth.	McGregor.
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Senator Lattimore offered the following amendment, which was read and adopted:

Amend the bill in next to the last line of Section 13, between the word "being" and "in." by inserting the word "subject."

Senator Darwin offered the following amendment, which was read and adopted:

Amend the caption, line 29, by striking out all after the word "business" down to and including the word "duties" in line 31.

Senator Darwin moved to reconsider the vote by which the amendment was

adopted and lay that motion on the table.

The motion to table prevailed.

The bill was read second time and passed to a third reading.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Lattimore.	Willacy.

Present—Not Voting.

Astin.

Absent.

Bailey of De Witt.	Johnson.
Hall.	McGregor.

The bill was read third time and passed by the following vote:

Yeas—27.

Astin.	Lattimore.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

Present—Not Voting.

Bailey of De Witt.	McNealus.
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Absent.

Hall.	McGregor.
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Senator Lattimore moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 56.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 56; A bill to be entitled "An Act to change and prescribe the time for holding district court in the Thirty-eighth Judicial District of Texas; and to repeal all laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote,

Yeas—30.

Astin.	Johnson.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

McGregor.

The bill was read third time and passed by the following vote:

Yeas—30.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

McGregor.

Senator Real moved to reconsider the

vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE CONCURRENT RESOLUTION NO. 12.

Senator Lattimore called up from the President's table. House Concurrent Resolution No. 12.

Senator Watson renewed his point of order (see former proceedings for point of order).

The Chair overruled the point of order and asked that the following ruling from the Attorney General's Department be printed as a part of his reasons for same:

August 18, 1913.

Hon. R. B. Humphreys, House of Representatives, Capitol.

Dear Sir: Attached to your communication of August 16 is a copy of a concurrent resolution introduced in the House of Representatives by yourself, Mr. Fuller and Mr. McDaniel, which resolution is substantially as follows:

"House Concurrent Resolution No. —

Be it resolved by the House of Representatives, the Senate concurring:

"First—That the question of calling a convention to write a new Constitution for the State of Texas be submitted to the qualified voters of the State at a general election to be held on the first Tuesday after the first Monday in November, A. D., 1914.

"Second—That the official ballot used in said election shall contain the words 'For a Constitutional Convention,' and the words 'Against a Constitutional Convention.' The voter favoring the calling of said convention shall draw a line through the words 'Against a Constitutional Convention,' and the voter opposed to the calling of said Convention shall draw a line through the words 'For a Constitutional Convention.' The Secretary of State is directed to include the words 'For a Constitutional Convention' and the words 'Against a Constitutional Convention' as a part of the official ballot furnished to election officers of the various counties as provided in the general election laws.

"Third—That the return of said election be made in the manner provided for making of returns of elections on proposed amendments to the Constitution.

"Fourth—That if a majority of the

votes cast on said subject in said election be in favor of calling said Convention, then the Thirty-fourth Legislature shall enact a law or laws providing for the holding of said Convention, the election of delegates thereto, the drafting of a proposed new Constitution and submission of the same to the people for their ratification or rejection, during the year 1915."

You desire to know whether or not the House has authority under the Constitution to pass this resolution at the present Special Session of the Legislature. The proposed resolution is not one, which within itself calls a Constitutional Convention, but is one which permits the voters to vote upon the question as to whether or not the Thirty-fourth Legislature shall enact law or laws providing for the calling and holding of a Constitutional Convention during the year 1915. The interrogatory propounded by you involves two questions:

First—Has the Legislature the right to submit the issue involved in the Resolution?

Second—And if it has such right, then may it exercise this right at a Special Session of the Legislature to which the Governor has not submitted the subject involved in the resolution.

We will discuss these two questions in their order.

The general rule is, that Article 3, Section 1, of the Constitution, which provides that the legislative power of the State shall be vested in a Senate and House of Representatives, which together shall be held to be the Legislature of the State of Texas, vests in the Legislature all legislative power which the people possess, unless limited by some other provision of the Constitution; in other words, that all the power which may properly be exercised in the formation of laws is to be exercised by the Legislature and that except in the particulars wherein this power is restrained by the Constitution of the United States, or of the State, the Legislature may enact any kind of law, or propose and pass any character of legislation.

Brown vs. Galveston, 97 Texas, 1.

Ex parte Allison, 99 Texas, 455.

Cooley's Constitutional Limitations, 6th Ed., 200.

Conley vs. Daughters of Republic, 150 S. W., —

8 Cyc., 806.

The Constitution of the State neither directly nor indirectly prohibits the submission of such a question as is here

involved, to be voted upon by the people; in fact, so far as the Constitution is concerned, there is no provision in that instrument for calling a Constitutional Convention by the Legislature or by any other authority, nor is there any provision made in that instrument for submitting the question to the people as to whether or not such character of convention should be called, by the authority to call such convention or to submit the question here at issue is not inhibited by the Constitution, and may therefore be exercised by the legislative body upon proper occasion.

This position is well supported by the authorities:

Cooley's Constitutional Limitations, 42.

6 Encyclopedia of Law, 902.

Jamison on Constitutional Conventions, Sections 123, 372, 375, 530.

Wells vs. Bain, 15 Am. Rep., 563.

The Encyclopedia of Law thus lays down the general rule:

"The proposal of amendments to the Constitution is not a power inherent in the legislative department, but must be conferred by special grant of the Constitution, and in the absence of such provision the Legislature has no capacity thus to initiate amendments."

6 Encyclopedia of Law, 902.

Continuing, however, this eminent authority says:

"On the other hand long established usage has settled the principle that a general grant of legislative power carries with it the authority to call conventions for the amendment or revision of the Constitution."

Jamison on Constitutional Conventions states the rule as follows:

"There remains the question whether, when a constitution contains no provision for amendments at all, either or both modes we have been considering may be pursued as to a convention if there be no express prohibition. The answer may be unhesitatingly given that the General Assembly may call a convention. All our State Constitutions make to the General Assemblies a general grant of legislative power, which is admitted to extend to all subjects of ordinary legislation which are not prohibited by their own, or by the Federal Constitution. By a long established usage in most of the States, and in some of them in repeated instances those bodies have called conventions under the circumstances stated as a branch of their legislative power; and as we have before observed, were there doubts as to the constitutionality of such ac-



tion frequent exercise of the power and uniform long acquiescence of the people in it constitute a fundamental law as binding as though it had been formulated in the Constitution."—Jamison on "Constitutional Conventions," Sec. 574h.

It will be recalled also that in this State the Constitutional Convention of 1875 was called by a joint resolution of the Legislature passed on March 13, 1875, so that on the question of the right of the Legislature to call a Constitutional Convention, this State has followed the general rule laid down by Mr. Jamison's work and other authorities cited. Of course, the question of the authority of the Legislature to call a convention is not the exact question now under discussion, the exact question being whether or not the Legislature has the authority, by the character of resolution referred to, to ask the advice or instructions of the people at large on the questions as to whether or not the Thirty-fourth Legislature shall call a Constitutional Convention. It was long ago decided by that eminent authority, Chancellor Kent, that such was the proper and orderly proceeding. In 1820, the Legislature of New York, by an act in proper form, called a Constitutional Convention for that State. The question as to the right of the Legislature to do this was submitted to the Counsel of Revision, which at the time was composed of Chancellor Kent and other eminent lawyers. The Counsel of Revision, in passing upon the question, among other things, said:

"The Counsel, therefore, thinks it the most wise and safe course and most accordant with the performance of great trusts that the question of a general revision of the State Constitution should be submitted to the people in the first instance to determine whether a convention ought to be convened. The declared sense of the American people throughout the United States on this very point can not but be received with great respect and reverence; and it appears to be the almost universal will expressed in their constitutional charters that conventions to alter the constitution shall not be called at the instance of the Legislature without the previous sanction of the people by whom these constitutions were ordained."—Jamison on "Constitutional Conventions," 669-670.

It would be difficult to cite an authority on any question more entitled to the respect of this Legislature and of the courts of the country than the one just referred to, which opinion was writ-

ten by Chancellor Kent. This method of proceeding was reviewed at some length and upheld in the case of Wells vs. Baine, 15 Am. Rep. 570, et seq. It is all very true that the answer to the question propounded in this resolution would not have the effect within itself of calling a Constitutional Convention. It is not even a mandate further than the moral force contained in an express desire of the people by resolution, and as our constitution contains no provision inhibiting the right of the people to express their desire in this way, nor inhibiting the right of the Legislature to call for such expression, we have concluded that the Legislature has generally the power to submit the character of question submitted by this resolution. Wells vs. Baine, 15 Am. Rep., 575.

This matter of submitting the question to the people is one recognized and approved by Mr. Jamison, who is the leading authority on the subject now under consideration. Jamison on "Constitutional Conventions," Sec. 534.

## II.

Having determined that the Legislature has the general authority to pass the resolution under consideration, it remains then to consider whether or not it has such authority at a special session of the Legislature where the particular subject has not been submitted to the Legislature for its consideration. The answer to this question involves a construction of Section 40 of Article 3, which reads as follows:

"When the Legislature shall be convened in Special Session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days."

The direct question then at issue is, whether or not the word "legislation," as used in this section, refers to the resolution of the kind and character before the House.

It is well settled that the question of amending the Constitution may be submitted by resolution, and that such a question is not one subject to the ordinary restrictive rules provided in the Constitution governing ordinary legislation. It has been repeatedly held that it is not necessary that the legislative will that the Constitution should be amended should assume the form of an ordinary law and be submitted to the executive for approval.

State vs. Dahl, 6 N. Dakota Reps., 83;

Hollinsworth vs. Va., 3 Dall. 378 (U. S.);

Warfield vs. Vandiver, 101 Md., 78;

American & English Annotated Cases, V. 4, 694 et seq.;

Jamison, "Constitutional Conventions," Secs. 549, 574e and 574h;

Oakland Paving Co. vs. Hilton, 69 Cal. 514;

Hatch vs. Stoneman, 66 Cal., 632;

In re Senate File 31, 25 Neb., 864.

It has been decided that it is not essential to the validity of a proposed constitutional amendment that it should receive the executive approval and that any attempt of the Governor of the State to veto a resolution submitting a constitutional amendment is void and of no effect (6 Encyc. of Law, 906.)

State vs. Mason, 43 La. Ann., 649.

Koehler vs. Hill, 60 Iowa, 543.

Jamison's Constitutional Conventions. Secs. 566, 562.

It has also been decided that a constitutional amendment need not be limited to a single subject nor is it necessary that the subject should be expressed in its title. Indeed, no title is necessary and if such title or caption is inserted it may be disregarded, nor is it necessary that a proposed amendment should be, like a bill, read on three different days in each House, (6 Encyc. of Law, 906.)

Nesbitt vs. People, 19 Col., 441.

Hays vs. Hays, 47 Pac. Rep., 732.

Julius vs. Callahan, 63 Minn., 554.

In re Senate File No. 31, 25 Neb., 864.

Edwards vs. LeSeur, 132 Mo., 410.

In other words the proposal of an amendment to the Constitution is not subject to any of the rules of ordinary legislation. In the first place it may be done as it has always been done in this State by joint or concurrent resolution. In the second place it is not necessary that such resolution shall have a caption. In the third place it is not necessary that it shall have an enacting clause. In the fourth place it is not necessary that it shall be read on three several days in each House. In the fifth place it is not necessary that it shall receive the executive approval. These questions have all been decided by reputable authorities, some of which have been collated in the Encyc. of Law and many others of which may be found in an opinion of this Department, dated May 17, 1913, and addressed to Hon. W. P. Lane, Comptroller of Public Accounts, it being Opinion No. 738, and but for the short space of time which we have to prepare this opinion, we would quote so

much of it as is applicable, but we make reference to it as the authorities are quoted fully in this opinion upon certain questions involved here.

However, Encyc. of Law briefly and succinctly states the rule as follows:

"The proposal by the Legislature of an amendment to the Constitution is not the exercise of ordinary legislative functions and it is not subject to the constitutional provision regulating the introduction and passage of ordinary legislative enactments. (6 Encyc. of Law, 906.)"

The Constitution of this State lays down several essentials which are necessary in the enactment of a law and in the passage of all resolutions to which the concurrence of both Houses may be necessary. Among others it states that all resolutions to which the concurrence of both Houses may be necessary must be submitted to the Governor for his approval or disapproval; however, this Department following all the American authorities, beginning with the opinion of the Supreme Court of the United States in the case of Hollingsworth vs. Virginia, 3 Dall., (U. S.) 381, clear on down has held that a resolution proposing an amendment to the Constitution need not be submitted to the Governor for approval and that he has no jurisdiction over the same. This holding is in the face of the express provision of the Constitution, but the authorities have all been based upon the principle that the submission of a constitutional amendment is not one of ordinary legislation and that, therefore, the requirement of the constitution governing ordinary legislation does not govern the submission of constitutional amendments. The calling of a constitutional convention, or submitting the question as is done in this resolution is not ordinary legislation because no provision whatever is made for it in the Constitution, and, therefore, the various provisions of the Constitution made to govern ordinary legislation can not be made to apply, because the Legislature is limited only by the express provisions of the Constitution, and where the Constitution has provided no method of procedure, then it is left to the Legislature to follow its own method of procedure. It has been held by eminent authority that a proposal to amend the Constitution of a State is not ordinary legislation.

Warfield vs. Vandiver, 4 Am. and Eng. Ann. Cases, 694.

The rule in this State is that a Special Session of the Legislature has all

the power it has at a Regular Session, except that which is inhibited by the constitution. This rule is but a corollary of the general rule stated in the beginning of this opinion and follows from the principles laid down in the authorities cited. However, it has been the express holding of one of the courts of highest authority in this State that the rule as stated above is a correct statement of the law. In the case of *Ex Parte Wolters*, Judge Harper, among other things, said:

"The Legislature at a Special Session has all the power it has at a Regular Session except that which is inhibited by the Constitution. Section 5 of Article 3 of the Constitution provides that the Legislature shall meet every two years and at other times when convened by the Governor. If this was all there would be no limitation on their authority at a Special Session which would not also apply to a Regular Session. However, in Section 40 of the same Article is provided there 'shall be no "LEGISLATION" upon subjects other than those designated by the Governor.' This is the sole limitation upon their power at a Special Session, and as shown in the *Gray* case, this word has a well defined meaning in law—THE PASSAGE OF LAWS, THE REPEAL OF LAWS, OR THE AMENDMENT OF LAWS."

144 S. W., 538.

The views expressed in the opinion just quoted concerning this particular subject was concurred in by Judge Prendergast of the same court. In passing upon the *Gray* case, which was a companion case of the *Wolters* case, Judge Harper, among other things, said:

"Section 40, Article 3, provides that there shall be no legislation upon subjects other than those designated by the Governor in his proclamation. If the powers granted the committee come within the meaning of the word "Legislation," then it was prohibited at a special session, and would also be in violation of Article 3 of Section 1. which vests the legislative power in the Senate and House of Representatives jointly. The legal definition of the word 'legislation' in Bouvier's Law Dictionary is 'the act of giving or enacting laws—the authority conferred by or exercised under the Constitution of a State or of the United States to make new laws or to alter or repeal existing ones.' In Words and Phrases, Vol. 5, 4086, it is said: 'Wharton in his lexicon defines "legislation" as follows: "The act of giving or enacting laws—the power to make laws."' The definition of Bouvier

is adopted in Am. and Eng. Ency. of Law., Vol. 2 (2 Ed.), 822, and adds to it 'To legislate is to give, pass or enact law or laws,' citing authorities under notes 1, 2 and 3. In Cyc., Vol. 25, 180, it is said the word 'legislate' means to make laws, citing Abbott's Law Dictionary, and the definition of the word 'legislation' is given as the 'act of giving or enactment of laws,' citing authorities to be found on that page. In the dictionaries the word is defined: 'Legislate—to make or enact a law or laws. Legislation—act of Legislature; act of making or passing a law or laws; the enactment of laws; laws or statutes enacted.' We do not think that the appointment of a committee to gather information and make recommendations in regard to amending, enacting, or repealing laws is 'legislation,' within the meaning of the word as used in our Constitution." (*Ex Parte Gray* and *Wolters*, 144 S. W., 574.)

It is apparent from this authority and those cited and others which we might cite that there are many subjects which a legislature can consider at a Special Session which are not legislation or legislation in the ordinary sense of the term, which is the sense in which the word is used in the Constitution, and that as to these subjects it is not necessary for the Governor to submit the same in order to give the Legislature jurisdiction or right to consider the same. Legislation in the ordinary sense of the term, and evidently the sense in which it was used in the Constitution, means the enactment, amendment or repeals of laws, and it is as to these that the Legislature must have the subject submitted by the Governor before the legislative body has jurisdiction of the matter. But as to the question involved here of the right of the Legislature to take the advice of the people on the issue of calling a Constitutional Convention, the Governor nor any other authority has any right to interfere with the legislative will, nor has the Governor nor any other authority the right to make this interference by failing to submit the question or by vetoing a resolution calling for such advice after its submission or after its passage by the Legislature. However, objection has been made to this particular resolution that the resolution does amount to the passage of a law or the amendment of existing laws because it prescribes the manner and method of voting upon the question. In the first place, it describes what shall be on the official ballot and how the voters shall vote, prescribes certain du-

ties of the election officers, etc. The proposition is made that because of these provisions of the resolution that therefore it is necessarily an act of legislation within the purview of the constitutional provision inhibiting the same because not submitted to the Legislature by the Governor. This position is untenable. The general rule is that when the Constitution grants to any Department of Government the right to exercise power, the grant carries with it the implied authority to do any and all things necessary for the complete and full exercise of the power. It would be a manifest absurdity to say that the Constitution of this State permits the Legislature to submit a question such as that defined in the resolution and yet should deny to the Legislature the right to provide the agencies by which the question should be submitted and the issue determined.

6 Encyc. of Law, 1009.

The rule, stated from a consensus of the authorities, is as follows:

"It is a general rule that when a Constitution confers a power or enjoins a duty it also confers by implication any incidental power necessary for the exercise of the one or the performance of the other."

6 Encyc. of Law, 928;

Storey on the Constitution, Sec. 424;

Cooley's Constitutional Limitations, 78.

The rule is thus stated by Judge Cooley:

"The implications from the provisions of the Constitution are sometimes exceedingly important and have large influence upon its construction. In regard to the Constitution of the United States the rule has been laid down that where a general power is conferred or duty enjoined, every particular power necessary to the exercise of the one or the performance of the other is also conferred. \* \* \* That other powers than those expressly granted may be and often are inferred by implication is too well settled to be doubted. Under every constitution the doctrine of implication must be resorted to in order to make out the general grants of power. A Constitution can not from its general nature enter into a minute specification of all the minor powers naturally and obviously included in and flowing from the great and important ones which are expressly granted. It is therefore established as a general rule that when a Constitution gives a general power or enjoins a duty, it also gives by implication every particular power necessary

for the exercise of the one or the performance of the other."

It follows, therefore, that if it be conceded that a Special Session of the Legislature has a right to submit the question set forth in the resolution to the people, then it has the right to provide the machinery by which the question shall be submitted, because to assert the one and deny the other is to permit the general grant of authority to be defeated by a failure on the part of the Legislature to have the means of carrying into effect this general grant of power. Had the Governor of the State submitted the question of permitting the voters of the State to pass upon the issue made in this concurrent resolution it would not have been necessary for him to have named the subject of legislation more than to have simply stated that he submitted the question to the Legislature of passing the resolution submitting to the voters of the State the issue as to whether or not the Thirty-fourth Legislature could call a Constitutional Convention. The designation of the subject in these general terms would have been ample and sufficient authority to have warranted the Legislature in passing the resolution under consideration in which the machinery of submitting the question and holding the election is defined. The Legislature of the State in 1875 passed a resolution calling the Constitutional Convention which met the same year and formulated our present Constitution, which was adopted by the people in 1876. The resolution was passed at a Special Session of the Legislature called by the Honorable Richard Coke, who at that time was the Governor of the State. He submitted the subject of a constitutional convention in very general terms without entering into detail as to the machinery which should be provided for assembling the convention. The Legislature, however, in its resolution, provided in terms similar in effect to those now under consideration for the election of delegates to and the assembling of the convention. So that there is legislative and executive authority for the proposition that the mere naming of the subject carries with it the incidental power on the part of the Legislature to provide for the machinery of carrying into effect the purpose designated in the subject. Now in the matter before us it is not necessary for the Governor to name the subject. The Legislature is paramount and has jurisdiction of the subject without it being named, and it follows therefore that it



must have all the incidental power which may be necessary to enable it to exercise this jurisdiction. In other words, if the naming of the subject in a general way by the Governor would give it jurisdiction and authority to provide the machinery, as has been done in this resolution, then the fact that the Legislature has jurisdiction of the question without the submission of the subject by the Governor, carries with it also the right to provide the machinery to carry into effect the purpose of the resolution. Naturally, of course, any question which is not settled by the express language of the Constitution and which has not been adjudicated by the courts of our own State or by the courts of any other State is one which cannot be altogether free from doubt; in such instances we believe it the duty of this Department to resolve the doubt in favor of the legislative authority. We therefore advise you that the Legislature has jurisdiction of the subject-matter of this resolution and has the right to pass the resolution as it is written.

Respectfully submitted,

C. M. CURETON,  
First Office Assistant Attorney General.

This opinion has been passed upon and approved by the Department in executive session and is now ordered recorded.

B. F. LOONEY,  
Attorney General.

Senator Watson moved that the resolution be referred to the Committee on Constitutional Amendments, which motion was adopted by the following vote:

Yeas—18.

Astin.	Hudspeth.
Bailey of DeWitt.	Morrow.
Bailey of Harris.	Nugent.
Carter.	Oliver.
Conner.	Real.
Darwin.	Terrell.
Gibson.	Watson.
Hall.	Wiley.
Harley.	Willacy.

Nays—11.

Brelsford	McNealus.
Clark.	Taylor.
Collins.	Townsend.
Greer.	Warren.
Johnson.	Westbrook.
Lattimore.	

Present—Not Voting.

Cowell.

Absent.

McGregor.

## HOUSE BILL NO. 54.

(By Unanimous Consent.)

On motion of Senator Gibson, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 54 put on its second reading by the following vote:

Yeas—29.

Astin.	Lattimore.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

Absent.

Bailey of DeWitt. McGregor.

The Chair laid before the Senate, on second reading,

House bill No. 54, relating to the renewal and extension of liens that are secured by deeds of trust, etc. (See House message of today for caption in full.)

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Gibson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Astin.	Conner.
Bailey of Harris.	Cowell.
Brelsford.	Darwin.
Carter.	Gibson.
Clark.	Greer.
Collins.	Hall.



Harley.	Taylor.
Hudspeth.	Terrell.
Johnson.	Townsend.
Lattimore.	Warren.
McNealus.	Watson.
Morrow.	Westbrook.
Nugent.	Wiley.
Oliver.	Willacy.
Real.	

Absent.

Bailey of De Witt.    McGregor.

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey of Harris.	Lattimore.
Erelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Oliver.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Hall.	Watson.
Harley.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.

Absent.

Astin.                      McGregor.  
Bailey of DeWitt.

Senator Gibson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE CONCURRENT RESOLUTION NO. 9.

(By Unanimous Consent.)

The Chair laid before the Senate, House Concurrent Resolution No. 9, Requesting that our Senators and Representatives in the Congress of the United States actively support the bill for the creation of the Mescalero National Park.

The committee report was adopted.

The resolution was then adopted.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bill:

Senate bill No. 46, A bill to be entitled "An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and declaring an emergency," with amendments.

The House concurs in Senate amendments to House bill No. 35.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### SIMPLE RESOLUTION.

Senator Cowell here called up from the President's table a simple resolution, introduced on Saturday, and which relates to the appointment of a pre-sub Finance Committee, to be appointed and to consider an appropriation bill prior to the convening of the Thirty-fourth Legislature, and to make recommendation of a bill, etc. (See Journal of Saturday for resolution in full.)

Senator Townsend offered the following amendment:

Amend the resolution so as to add all members—hold-over Senators—to said committee instead of appointing three of said membership.

TOWNSEND,  
TERRELL,  
DARWIN.

On motion of Senator Cowell, the amendment was tabled.

Senator Westbrook offered the following amendment:

Amend the resolution in paragraph 1 by inserting "elected" in lieu of "appointed," and by striking out the words "the Lieutenant Governor" and inserting in lieu thereof "the members thereof."

WESTBROOK,  
TOWNSEND,  
DARWIN.

The amendment was read and Senator Cowell moved to table same, which motion to table was adopted by the following vote:

Yeas—22.

Bailey of Harris.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Conner.	Oliver.
Cowell.	Real.
Gibson.	Taylor.
Greer.	Terrell.
Harley.	Warren.
Hudspeth.	Watson.
Johnson.	Wiley.
Lattimore.	Willacy.

Nays—6.

Astin.	Darwin.
Brelsford.	Townsend.
Collins.	Westbrook.

Present—Not Voting.

Hall.

Absent.

Bailey of De Witt. McGregor.

#### RECESS.

Senator Clark, at 6:25 p. m., moved that the Senate recess until 8:30 o'clock tonight.

Senator Hudspeth moved, as a substitute, that the Senate adjourn until 10 o'clock tomorrow morning.

Action recurred on the longest time first, and the motion to adjourn was lost by the following vote:

Yeas—10.

Bailey of Harris.	McNealus.
Cowell.	Oliver.
Gibson.	Real.
Harley.	Watson.
Hudspeth.	Willacy.

Nays—19.

Astin.	Lattimore.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Taylor.
Collins.	Terrell.
Conner.	Townsend.
Darwin.	Warren.
Greer.	Westbrook.
Hall.	Wiley.
Johnson.	

Absent.

Bailey of De Witt. McGregor.

The motion to recess until 8:30 o'clock tonight was then adopted.

#### AFTER RECESS.

(Night Session.)

The Senate was called to order by President Pro Tem. Carter.

#### SIMPLE RESOLUTION.

(Pending Business.)

Action recurred on the pending simple resolution by Senator Cowell, and

Senator Terrell moved to table same, which motion to table was lost by the following vote:

Yeas—10.

Astin.	Hall.
Bailey of Harris.	McNealus.
Clark.	Terrell.
Darwin.	Townsend.
Greer.	Westbrook.

Nays—17.

Bailey of De Witt.	Morrow.
Carter.	Nugent.
Collins.	Oliver.
Conner.	Real.
Cowell.	Taylor.
Harley.	Watson.
Hudspeth.	Wiley.
Johnson.	Willacy.
Lattimore.	

Absent.

Brelsford.	McGregor.
Gibson.	Warren.

Senator Townsend made the point of order that the resolution being a resolution creating a committee and fixing per diem, etc., and was not germane.

The Chair overruled the point of order.

The resolution was then adopted by the following vote:

Yeas—16.

Bailey of Harris.	Morrow.
Carter.	Nugent.
Collins.	Oliver.
Cowell.	Real.
Harley.	Taylor.
Hudspeth.	Watson.
Johnson.	Wiley.
Lattimore.	Willacy.

## Nays—9.

Astin.	McNealus.
Clark.	Terrell.
Conner.	Townsend.
Darwin.	Westbrook.
Greer.	

## Absent.

Bailey of De Witt.	Hall.
Brelsford.	McGregor.
Gibson.	Warren.

Senator Morrow moved to reconsider the vote by which the resolution was adopted, and lay that motion of the table.

The motion to table prevailed.

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator McNealus:

Resolved, That the Committee on Constitutional Amendments be instructed to bring in a report on House Concurrent Resolution No. 12, and that the Senate stand at ease fifteen minutes pending the making of that report.

The resolution was read and

Senator Lattimore moved the previous question on same, which motion being duly seconded, was so ordered.

The resolution was then lost by the following vote:

## Yeas—13.

Brelsford.	Lattimore.
Carter.	McNealus.
Clark.	Taylor.
Collins.	Townsend.
Cowell.	Warren.
Greer.	Westbrook.
Johnson.	

## Nays—15.

Astin.	Nugent.
Bailey of Harris.	Oliver.
Conner.	Real.
Darwin.	Terrell.
Hall.	Watson.
Harley.	Wiley.
Hudspeth.	Willacy.
Morrow.	

## Absent.

Bailey of DeWitt.	McGregor.
Gibson.	

## TO SUSPEND PENDING BUSINESS.

Senator Morrow moved to suspend the pending business, Senate bill No. 11, and

that the Senate take up House bill No. 79, and

Senator Hudspeth moved, as a substitute, that the regular order be suspended and that the Senate take up out of its order, House bill No. 9.

Action recurred on the substitute motion and the same was adopted by the following vote:

## Yeas—13.

Bailey of Harris.	Oliver.
Clark.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Hudspeth.	Watson.
Lattimore.	Westbrook.
Nugent.	

## Nays—9.

Astin.	McNealus.
Carter.	Morrow.
Conner.	Townsend.
Greer.	Wiley.
Harley.	

## Present—Not Voting.

Hall.	Johnson.
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## Absent.

Bailey of De Witt.	McGregor.
Brelsford.	Warren.
Collins.	Willacy.
Gibson.	

## REFUSED TO ADJOURN.

Senator Watson at 9 o'clock p. m. moved that the Senate adjourn until 10 o'clock tomorrow morning, which motion was lost by the following vote:

## Yeas—9.

Astin.	McNealus.
Carter.	Real.
Clark.	Terrell.
Gibson.	Watson.
Harley.	

## Nays—18.

Bailey of Harris.	Lattimore.
Brelsford.	Morrow.
Collins.	Nugent.
Conner.	Oliver.
Cowell.	Taylor.
Darwin.	Townsend.
Greer.	Warren.
Hall.	Westbrook.
Johnson.	Wiley.

## Absent.

Bailey of DeWitt.	McGregor.
Hudspeth.	Willacy.

## HOUSE BILL NO. 9.

Action recurred on the pending motion to suspend pending business and take up House bill No. 9, as substituted, and the same was adopted by the following vote:

Yeas—16.

Bailey of Harris.	Lattimore.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Oliver.
Cowell.	Real.
Darwin.	Taylor.
Harley.	Terrell.
Johnson.	Westbrook.

Nays—8.

Astin.	Townsend.
Conner.	Warren.
Greer.	Watson.
McNealus.	Wiley.

Present—Not Voting.

Hall.

Absent.

Bailey of DeWitt.	Hudspeth.
Brelsford.	McGregor.
Gibson.	Willacy.

The Chair laid before the Senate, on second reading,

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds or other obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stock, bonds or other obligation of such corporation, or proposed corporation; and fixing commission and promotion fees allowed to be charged and providing for services of process, examination fees and exempting certain corporations from the effect of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency."

## REFUSED TO ADJOURN.

Senator McNealus. at 9:10 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning, which motion was lost by the following vote:

Yeas—6.

Astin.	Real.
Clark.	Terrell.
McNealus.	Watson.

Nays—20.

Bailey of Harris.	Johnson.
Brelsford.	Lattimore.
Carter.	Morrow.
Collins.	Nugent.
Conner.	Oliver.
Cowell.	Taylor.
Darwin.	Townsend.
Greer.	Warren.
Hall.	Westbrook.
Harley.	Wiley.

Absent.

Bailey of DeWitt.	McGregor.
Gibson.	Willacy.
Hudspeth.	

## SENATE BILL NO. 46.

Senator Townsend called up Senate bill No. 46, with the following House amendments:

Amend the bill by striking out all after the words "A bill to be entitled" and insert the following:

"An Act to amend Articles 7435, 7442, 7443, 7451 and 7452, of the Revised Civil Statutes of the State of Texas, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any law of this State relating to the regulation, sale or transportation of intoxicating liquors, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 7435, 7442, 7451 and 7452, of the Revised Civil Statutes of Texas, be so amended as to hereafter read as follows:

Art. 7435. Any person or persons desiring to obtain a retail liquor dealer's license in this State or a retail malt dealer's license shall, before filing his or their petition for such license with the county judge as now provided by this law, make application under oath to the Comptroller of Public Accounts of this State for a permit to apply for a license to engage in such business, which application shall be in form substantially as follows:

To the Comptroller of Public Accounts of the State of Texas:

I, or we,.....and.....of the county of....., State of Texas, hereby apply for a permit to apply for a license to engage in the business of retail liquor dealer or dealers (or retail malt dealer or dealers under the laws of this State, said business to be conducted at No.... Street, in.....in the county of..... State of Texas; that there is now no statute or ordinance of the city in force prohibiting the retail sale of liquors at said place; that I, or we, have resided for the past two years in.....county, State of Texas, and during said time have been engaged in the business of .....; that I am, or we are, not disqualified under the laws of this State from engaging in the proposed business; that no other person or corporation is in any manner interested in or to be interested in the proposed business; that I, or we, have not, since the first day of May, A. D. 1909, as owner, or as the representative, agent or employe of any other person, kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquor after 12 o'clock midnight on Saturday, and between that hour and 5 o'clock a. m. of the following Monday of any week; and have not since the first day of July, A. D. 1913, as owner or as the representative, agent or employe of any other person kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquor after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. of the following Monday of any week, or between the hours of 9:30 p. m. and 6:00 o'clock a. m. of the following morning of any week day; or since said date, either in person or by agent or employe, knowingly sold or permitted to be sold or given away in or near any such place of business, any spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, to any person under the age of 21 years, or to any student of any institution of learning, or to any habitual drunkard, after having been notified in writing through the sheriff or other peace officer,

by the wife, sister, father, mother or daughter of such person not to sell to such habitual drunkard; or permitted any person not over the age of 21 years to enter and remain in such house or place of business, or permitted any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rented or let any part of the house or place of business in which such business was conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sold or given away any adulterated or impure liquors of any kind, or sold or permitted, aided or advised in selling under a retail malt dealer's license any other liquors than those defined by the law as malt liquors. And if the permission herein sought be granted and the said retail license be issued, I, or we, will not either in person, or knowingly by an agent, employe or representative, during the year for which such license shall run, keep open house or place where liquors shall be sold under such license or transact any business in such house or place of business after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week; or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; or knowingly sell in or near any such place of business, or give away, or permit to be given away, any spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, to any person under the age of 21 years, or to any student of any institution of learning, or to any habitual drunkard, after having been notified in writing, through the sheriff or other peace officer, by the wife, mother, father, daughter or sister not to sell to such habitual drunkard; or to permit any person not over the age of 21 years to enter and remain in such house or place of business; or permit any game prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rent or let any part of the house or place of business in which such business is conducted to any person or persons, for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sell or give away any impure liquor or adulterated liquors of any kind; and if the application be for a retail malt dealer's license, it shall further state that he or they under the said



license, will not sell any other liquors than those defined by law as "malt liquors." And it is hereby agreed that if the license to be applied for be issued, that the same will be issued upon condition that it shall remain in force only so long as I, or we, observe and carry out each and all of the declarations herein made, and that in the event, I, or we, violate any of the promises or do or perform any one or more of the acts which it is herein declared shall not be done or performed, or in the event that I, or we, violate any law of this State relating to the regulation, sale or transportation of intoxicating liquors that either the county judge or the Comptroller of Public Accounts of the State of Texas, in the manner provided in this law, may rescind, cancel and annul the said State and county license granted in pursuance of this application, and that all money paid for such license shall be forfeited to the State and county or city to whom paid; and that I, or we, will at once, upon the cancellation of such license, close up the place where such business is being conducted, and cease to do such business, and will not within five years from that date again, either as owner, agent, representative or employe of any other person, attempt to enter into or engage in the retail liquor business, unless the order of the Comptroller cancelling and rescinding such license shall be annulled, in case such licenses shall have been cancelled by the Comptroller.

Sworn to and subscribed before me,  
....., within and for the county  
of....., State of Texas, by.....,  
on this the .... day of .....19..

(L. S.)

(Signature of Officer.)

That upon receiving such application, it shall be the duty of the Comptroller to file the same and keep it as a permanent record in his office, to examine and act upon the same; and, if he is satisfied that such applicant is entitled to such permit, he shall, upon the payment to him by the applicant of \$2.00, issue to him such permit, under his hand and the seal of his office, which, together with a copy of such application, duly certified to under the hand and seal of the Comptroller, shall be delivered by him to the applicant; and the said permit, together with the certified copy of said application, shall be filed with the county judge,

together with the petition for license to be filed with the county judge, and shall remain a permanent record in the office of the county judge; and no petition for a license shall be entertained by the county judge until said certified copy and permit have been filed with him by the applicant.

Art. 7442. Upon receipt of the said depositions, the Comptroller shall open and proceed to consider the same, and, if he shall determine from the preponderance of the credible evidence therein contained, that at any time after the issuance of said license the house or place where the business of selling liquors under said license was conducted was kept open and business conducted therein after 9:30 p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week, or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, or that any intoxicating liquors or medicated bitters capable of producing intoxication were knowingly sold, permitted to be sold or given by the holder or holders of such license to any person under the age of 21 years, or to any student of any institution of learning or to any habitual drunkard after having been notified in writing through the sheriff, or other peace officer, by the wife, mother, father, daughter or sister of such habitual drunkard not to sell same to him, or that any person not over the age of twenty-one years had been permitted to enter and remain in such house or place of business, or that games prohibited by laws of this State had been permitted to be played, dealt or exhibited in or about such house or place of business, or that the person or persons holding such license had rented or let any part of the said house or place of business where such business is conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State, or that the person or persons holding such license had knowingly sold or given away any adulterated or impure liquors of any kind, or sold or knowingly permitted to be sold, or aided or advised in selling, under a retail malt dealer's license, any other liquors than those define by law as malt liquors, he shall rescind, vacate and withdraw such license, and shall issue a certificate in triplicate under his hand and the seal of said office, declaring the rescission of such license, theretofore issued, to such person or persons, one copy of which certificate shall remain on file

in his office, and one copy shall be forwarded by the Comptroller by mail to the county judge of the county where the place of business of the person or persons whose license is withdrawn and rescinded is located, and the other copy shall be forwarded by mail to the person or persons whose license has been so rescinded and withdrawn; and it shall be unlawful thereafter for such person or persons to continue such business, and any attempt to do so shall subject him or them to the penalty herein provided for pursuing such business without a license; and any person or persons whose license has been so rescinded and withdrawn shall forfeit to the State, county and city all money paid therefor, and they shall never have any claim against the State, county or city on account of any money paid for such license.

Art. 7451. Every person or firm having a license under the provisions of this law, who may be engaged in or who may hereafter engage in the sale of intoxicating liquors to be drunk on the premises in any locality of this State, other than where local option is in force, shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week; or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 9:30 p. m. Saturday until 6 a. m. of the following Monday of each week; and between the hours of 9:30 p. m. and 6 a. m. of any week day.

Art. 7452. Every person or firm desiring to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication to be drunk on the premises, shall, before engaging in such sale, be required to enter into a bond in the sum of five thousand dollars; provided, however, that any person or firm dealing exclusively in malt liquors shall be required to give bond only in the sum of one thousand dollars, with at least two good, lawful and sufficient sureties, and the sureties required by law on the bonds of liquor dealers shall make affidavit, before some officer authorized to administer oaths, that they, in their own right, over and above all exemptions, are each worth the full amount of the bond they sign as sureties; and no county judge shall ap-

prove any such bond unless the affidavit as provided for in this article shall have been duly made. The approval of any such bond by the county judge without such affidavit shall make said county judge liable for any penalty recovered on such liquor dealer's bond; and any person who shall make any false affidavit, as required by this law, shall be punished as provided for in the Penal Code of this State; provided, that nothing herein shall prevent the making of such bond by a surety company as permitted by law, payable to the State of Texas, to be approved as to security by the county judge; which bond shall be conditioned that said person or firm selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, shall not, either in person or knowingly by any agent, employe or representative, during the year for which such license shall run, keep open the house or place where liquors shall be sold under such license for the sale thereof, or transact such business in such house or place of business, after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week, or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and that such person or firm shall keep an open, quiet and orderly house or place for the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, and that such person or firm, or his or their agent or employe, will not sell or permit to be sold in his or their house or place of business, nor give or permit to be given any spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication, to any person under the age of 21 years, or to a student of any institution of learning, or any habitual drunkard, after having been notified in writing, through the sheriff or other peace officer, by the wife, father, mother, daughter or sister of such habitual drunkard, said notice shall be in force and effect for a period of two years, not to sell to any such person, and that he or they will not permit any person under the age of twenty-one years to enter and remain in such house or place of business; that he or they will not permit any games prohibited by the law of this State to be played, dealt or exhibited in or about such house or place of business, and that he or they will not rent or let any part of the house or place in which he or they have undertaken to sell spirituous, vinous or malt liquors, or medicated bitters capa-

ble of producing intoxication, in any quantity, to be drunk on the premises, to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State, and that he or they will not adulterate the liquors sold by them in any manner, mixing the same with any drug, and that he or they will not knowingly sell or give away any impure or adulterated liquors of any kind, and that he or they will not violate any law of this State relating to the regulation, sale or transportation of intoxicating liquors, which said bond shall be filed in the office of the county clerk of the county where such business is conducted, and shall be recorded by such clerk in a book to be kept for such purpose; for which service said clerk shall be entitled to a fee of 75 cents; which said bond may be sued on at the instance of any person or persons aggrieved by the violations of its provisions, and such person shall be entitled to recover the sum of five hundred dollars as liquidated damages for such infraction of the conditions of such bond; and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries brought on said bond, as above indicated, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county and district attorneys, or either of them, to institute suit thereupon; or any person owning real property in the county may institute suit thereupon in the name of the State of Texas, for the use and benefit of the county, but no compensation shall be allowed such citizen, and he may be required to give security for costs; and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties upon the liquor dealer's bond, upon the breach of any of the conditions thereof; and thereafter when any recovery is had by any person or by any county or district attorney, for the use and benefit of the county in any action in any court of competent jurisdiction, upon the bond of any person or firm engaged in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, or malt liquors exclusively, to be drunk on the premises, in any locality other than where local option is in force, upon the ground that such licensee sold, or permitted to be sold, or gave or permitted to be given, any such liquors to a minor in his place of business, or permitted a

minor to enter and remain in his place of business, or sold such liquor to any habitual drunkard, after having been notified in writing not to sell to such habitual drunkard, or that such licensee permitted prostitutes or lewd women to enter and remain in his place of business, or permitted any games prohibited by law to be played, dealt or exhibited in or about his place of business, or of renting or letting his place of business, or any part thereof, for such purpose or purposes, the license of such person or firm shall, by reason of such recovery, be forfeited, revoked and cancelled; and the court entering judgment of recovery shall also enter an order declaring forfeited, revoked and cancelled such license; and the unearned portion of the occupation tax paid therefor shall not be refunded, but shall be forfeited to the State and county, city or town to which the money for the same may have been paid. And any person or firm who shall sell any such liquors or medicated bitters in any quantity, to be drunk on the premises, without first giving bond, as required by law, or who shall sell the same after said license shall have been forfeited, revoked or cancelled, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in the same amount provided for sales where no license has been obtained. An open house, in the meaning of this chapter, is one in which no screens or other device is used or placed inside or outside of such house or place of business for the purposes of or that will obstruct the view through the open door or place of entrance into any such house or place where intoxicating liquors are sold to be drunk on the premises. A quiet house or place of business, in the meaning of this chapter, is one in which no music, loud or boisterous talking, yelling or indecent or vulgar language is allowed, used or practiced, or any other noise calculated to disturb or annoy any person residing or doing business in the vicinity of such house or place of business, or those passing along the streets or public highways. By an orderly house is meant one in which no prostitutes or lewd woman or women are allowed to enter or remain; and it is further provided that said house must not contain any vulgar or obscene pictures. Any surety on such bond may relieve himself from further liability thereon by giving the principal in said bond notice in writing that he will no longer remain as surety thereon, and filing with the county judge an affidavit that such notice has been given; and, if within five days after such notice the

principal fails to make a new bond, he shall cease to pursue said business until a new bond is given. Any person who shall continue to pursue said business after such notice is given and such affidavit is filed, shall be guilty of a misdemeanor and shall be punished as provided in cases where no license has been procured; provided, that where the sale was made in good faith, or the minor permitted to enter and remain in good faith, with the belief that the minor was of age, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; provided, further, that where the sale to any habitual drunkard is made in good faith, with the belief that he is not an habitual drunkard, and there are good grounds for such belief, that shall be a valid defense to any recovery on such bond; provided, the provisions of this law shall apply to suits by the State or of any individual. Provided, that no license shall be issued under this law to any person who has been convicted of a felony and served such term of conviction.

Sec. 2. The fact that there is no civil law governing applications for a license and providing for a forfeiture of license for violations of the criminal law prohibiting liquor dealers from selling liquors or keeping open their place of business after 9:30 p. m., creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Senator Townsend moved that the Senate concur in the House amendments, and

Senator Watson made the following as a substitute motion:

I move that the Senate do not concur in the House amendments to Senate bill No. 46 and that the House be requested for a Free Conference Committee, and that the following be elected on the part of the Senate: Senators Morrow, Watson, Townsend, Clark, Gibson.

Senator Townsend moved to table the substitute, which motion was adopted by the following vote:

Yeas—15.

Brelsford.	McNealus.
Collins.	Morrow.
Conner.	Nugent.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Westbrook.
Johnson.	Wiley.
Lattimore.	

Nays—9.

Astin.	Oliver.
Bailey of Harris.	Real.
Clark.	Terrell.
Hall.	Watson.
Harley.	
Present—Not Voting.	
Carter.	
Absent.	

Bailey of De Witt.	McGregor.
Gibson.	Willacy.

PAIRED.

Senator Taylor (present), who would vote "yea," with Senator Hudspeth (absent), who would vote "nay."

Senator Clark moved that the Senate adjourn until 10 o'clock tomorrow morning, which motion was lost by the following vote:

Yeas—6.

Astin	McNealus.
Clark.	Terrell.
Harley.	Watson.

Nays—17.

Bailey of Harris.	Lattimore.
Carter.	Morrow.
Collins.	Nugent.
Conner.	Oliver.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Westbrook.
Hall.	Wiley.
Johnson.	

Absent.

Bailey of DeWitt.	McGregor.
Gibson.	Willacy.

PAIRED.

Senator Real (present), who would vote "yea," with Senator Brelsford (absent), who would vote "nay."

Senator Taylor (present), who would vote "nay," with Senator Hudspeth (absent), who would vote "yea."

Action recurred on the motion to concur in House amendments to Senate bill No. 46, and

Senator Collins moved the previous question on the motion, which motion being duly seconded, was so ordered.

The amendments were read in full and at the completion of the reading,

Senator Watson made the point of order that, in accordance with Senate rule 34, the bill would have to be referred to

a committee, in that the amendment was in effect a new bill.

Senator Townsend moved to rescind Rule 34 for the purpose of considering this bill, in accordance with Senate rule 63, and

Senator Watson called for the motion to be made in writing, and following is the motion:

We move to rescind Senate rule 34.

LATTIMORE,  
TOWNSEND.

The above motion was read and

Senator Terrell made the point of order that the motion provided a change in the rules of the Senate, and would have to lie over for one day.

The Chair overruled the point of order.

The motion to rescind Rule No. 34 was adopted by the following vote:

Yeas—16.

Carter.	Johnson.
Collins.	Lattimore.
Conner.	Morrow.
Cowell.	Nugent.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Hall.	Wiley.

Nays—8.

Astin.	McNealus.
Bailey of Harris.	Oliver.
Clark.	Terrell.
Harley.	Watson.

Absent.

Bailey of De Witt. Willacy.  
McGregor.

PAIRED.

Senator Real (present), who would vote "nay," with Senator Brelsford (absent), who would vote "yea."

Senator Taylor (present), who would vote "yea," with Senator Hudspeth (absent), who would vote "nay."

Senator Watson made the point of order that the Constitution forbids the Legislature from considering any subject that had been defeated by either branch of the Legislature, holding that the amendments offered by Senator Townsend to a bill of the same subject matter had been defeated by the Senate.

The Chair overruled the point of order.

The motion to concur in the House amendments was then adopted by the following vote:

Yeas—17.

Carter.	Lattimore.
Collins.	McNealus.
Conner.	Morrow.
Cowell.	Nugent.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Hall.	Wiley.
Johnson.	

Nays—7.

Astin.	Oliver.
Bailey of Harris.	Terrell.
Clark.	Watson.
Harley.	

Absent.

Bailey of DeWitt. Willacy.  
McGregor.

PAIRED.

Senator Real (present), who would vote "nay," with Senator Brelsford (absent), who would vote "yea."

Senator Taylor (present), who would vote "yea," with Senator Hudspeth (absent), who would vote "nay."

Senator Townsend moved to reconsider the vote by which the amendments were concurred in and lay that motion on the table.

The motion to table prevailed.

REFUSED TO ADJOURN.

Senator McNealus, at 10 o'clock, p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning, which motion was lost by the following vote:

Yeas—3.

Astin.	Watson.
Clark.	

Nays—22.

Bailey of Harris.	Lattimore.
Carter.	McNealus.
Collins.	Morrow.
Conner.	Nugent.
Cowell.	Oliver.
Darwin.	Real.
Gibson.	Taylor.
Greer.	Terrell.
Hall.	Townsend.
Harley.	Westbrook.
Johnson.	Wiley.

Absent.

Bailey of De Witt.	McGregor.
Brelsford.	Warren.
Hudspeth.	Willacy.



## HOUSE BILL NO. 9.

Action recurred on the pending business, House bill No. 9, the question being on the committee report, with amendments, and the same was adopted.

Senator Terrell offered the following amendment:

Strike out all after the enacting clause and insert the following:

Section 1. Every private corporation, foreign or domestic, organized for profit, which is now attempting or shall hereafter attempt to increase its capital stock, and every proposed corporation attempted to be organized which shall, directly or indirectly, through itself, its agents or employees, or through any person or association of persons, holding companies, sales companies or otherwise, or through any other agents, sell or contract to sell any stock of such corporation or proposed corporation, upon which sale or proposed sale or contract of sale any part of the proceeds derived or to be derived therefrom are used or to be used, directly or indirectly, for the payment of any commission, promotion, organization fee or other expenses incident, directly or indirectly, to the sale of its share of stock, except attorney's fees, charter fees, franchise tax, permit fees and stationery and supplies, shall be subject to the provisions of this act.

Sec. 2. This act shall also apply to any mining, oil or gas corporation increasing its stock or proposed mining, oil or gas corporation attempting to sell stock in which any land or mineral or thing of value is to be procured from, in or under such land that has been or is to be placed as an asset with or in the corporation or proposed corporation, whether any promotion fee is charged or not, and to any townsite corporation or proposed townsite corporation.

Sec. 3. Before offering for sale or contracting to sell, directly or indirectly, any stock of such proposed corporation, or such increased stock of any existing corporation, or before selling any stock in any townsite corporation as provided in Section 2, such corporation, or those promoting or having charge of the sale of stock of any proposed corporation, shall file, under oath, in the office of the Secretary of State, where, under the law, a charter would be filed in his department, or in the office of the Commissioner of Insurance and Banking, where, under the law, a charter would be filed in his department, together with a filing fee of twenty dollars, the following documents:

A statement showing in full detail the plan upon which the corporation proposes to increase its capital stock, or upon which the promoters or those having charge of the sale of stock of any proposed corporation proposes to sell its stock and organize the corporation, together with a copy of all the forms of contracts, stock (or deeds, if the same shall come under Section 2 hereof) to be used by the corporation or promoters, or those having charge of the sale of stocks of any proposed corporation in connection with such stock sales. The statement shall further show the name, location and domicile of such corporation, and the names of its officers or proposed officers, if any, or promoters, and the addresses of all the parties; the amount of capital stock of any corporation already organized, the proposed increase, or the proposed capital stock of the corporation to be organized, and the price at which the stock is proposed to be sold; and the price at which the stock is proposed to be sold shall not be changed without filing with the secretary or commissioner, as the case may be, a statement of such change, which shall be subject to his approval. Any such corporation or promoters of such proposed corporation shall furnish the secretary or commissioner such other information as may be necessary or proper concerning the sale of its stock.

If it shall be a corporation organized under the laws of any other jurisdiction, it shall file with the Secretary or commissioner a copy of its charter, and such other evidence of its authority as the secretary or commissioner may require.

Said statement shall also show the commission, promotion fee and other estimated incidental expenses proposed to be charged for the organization of such proposed corporation, or the increase in the capital stock of any corporation already organized, and how the commissions or fees are to be paid.

If the corporation or proposed corporation comes under Section 2 hereof, the officers of the corporation, or the promoters of the proposed corporation shall state the facts upon which they base their estimate of the actual value of the property which is to become an asset of the corporation, and the secretary or commissioner shall require such proof as he may deem proper to establish the actual value of the property.

The secretary or commissioner shall have the right to employ such experts as he may deem necessary, and the experts

shall be employed at the expense of the corporation or promoters of a proposed corporation.

No corporation proposed to be organized for the purpose of buying or selling town sites and town lots shall hereafter be granted a charter by the Secretary of State, or if a foreign corporation shall not be granted a permit to do business in the State of Texas unless the incorporators of said proposed corporation or officer of such foreign corporation shall file with the Secretary of State each and every document, contract and all papers referred to in Section 3 of this act, as well as a general statement of the plan of its proposed townsite, and a general statement of its methods of advertising same, together with a sample copy of its advertising literature, and no charter shall be granted any corporation unless after the compliance with the provisions of this act and in the judgment of the Secretary of State, such business of any proposed townsite corporation will be honestly and fairly conducted, both to the corporation and to the public. And each and every corporation in this State now existing or hereafter organized desiring to engage in the sale of townsite lots or sites shall, prior to such sale, file with the Secretary of State a general plan of said proposed lots to be sold, as well as a copy of any and all proposed contracts to be made with the public in the sale thereof, and a general statement of the literature proposed to be issued, and all matter referred to in Section 3 hereof, and if in the judgment of the Secretary of State said sale will be conducted both honestly and fairly to the corporation and to the public, a permit to conduct said sale shall be granted. This provision shall not be construed to authorize the creation of any corporation for any purpose not now authorized by the laws of this State.

Sec. 4. The secretary or commissioner, upon the receipt of the information as provided for in Section 3, shall grant or refuse such permit.

If the secretary or commissioner shall decide that the sale of stock will be fairly and honestly conducted, both to the corporation and to the public, such permit shall be granted, provided that the commissions, promotion and other incidental expenses, exclusive of the exempted expenses mentioned in Section 1 of this act shall not be more than fifteen (15) per cent of the price at which such stock is to be sold as shown

by the application or amended application.

Provided, that where any proposed corporation has already sold its stock, or a part thereof, or any part thereof has been subscribed at the time this act shall take effect, this act shall not affect stock previously sold or subscribed nor any contracts made in reference to same; but if any of the stock of said proposed corporation remains unsold or unsubscribed, said corporation shall, nevertheless, be entitled to a permit upon complying with the other conditions of this act, including the future sale or subscription of any of its stock.

The commission or promotion fee shall be paid to the agent or promoter as the stock is sold by him and paid for by the purchaser. The stock shall be considered as paid for when paid for in cash, property or labor.

No permit shall be granted unless there shall appear upon the subscription lists and contracts of such corporation or proposed corporation, in bold type, the amount of the commissions, promotion fees and other estimated expenses incident to the sale of such stock, and the interest which the officer, agent, employe or promoter selling or contracting to sell such stock has in such sale; nor shall such permit be granted until the applicants therefor have entered into a bond for not less than one thousand dollars (\$1000) nor more than one hundred thousand dollars (\$100,000), the same to be fixed by the secretary or commissioner at not more than ten per cent of the stock proposed to be issued. The said bond shall be payable to the secretary or commissioner as the case may be, and his successor in office, conditioned that the facts set forth in the application for such permit, and the proof and statements offered to such secretary or commissioner, upon which the application is based, are true, and that they will comply with the provisions of this act in the sale of the stock of such corporation or proposed corporation. Said bond may be made with individual sureties or a surety company authorized to do business in the State of Texas, and the bond shall be approved by the secretary or commissioner.

Sec. 5. If a permit shall be refused by the secretary or commissioner the parties applying therefor may bring suit in the district court of Travis county, Texas, to require said secretary or commissioner to issue such permit.

Sec. 6. Any person who shall be induced to purchase any stock of any cor-

poration or proposed corporation by the officers, agents, employes, promoters or trustees, by reason of any misrepresentation of any material fact concerning such stock, such person or persons shall have the right to bring suit upon the bond above provided for, and such bond shall be subject to, and security for, such person so purchasing the stock, provided that such person shall not be entitled to recover more than the money paid, or the actual value of the property given, or the labor performed, in exchange for such stock, with legal interest from the date of the payment or the performance of the services, or the transfer of the property.

One or more recoveries upon such bond shall not vitiate the same, but it shall remain in full force and effect, but no recoveries upon such bond shall ever exceed the full amount of same, and upon suits being filed in excess of the amount of same, the secretary or commissioner may require a new bond, and if the same is not given within thirty days, he may cancel the permit herein provided for.

Whenever any permit has been issued, the corporation or persons receiving the same shall file a list of the names of their or its authorized officers, agents and employes, and the postoffice address of each; and, in case of the change of any of its officers, agents or employes, it shall file a list of such changes with the secretary or commissioner.

Sec. 7. All moneys or other things of value collected by such corporation or the promoters of a proposed corporation, for the sale of its stock, or contract for the sale of its stock, shall be deposited by said corporation to its credit, or by the promoters of a proposed corporation, to the credit of its proposed officers or trustees, with the exception of the amount allowed for commissions, promotion fees and other incidental expenses, with a bank, bank and trust company or trust company incorporated under the laws of this State, or of the United States.

Sec. 8. All such corporations, and the organizers or trustees of proposed corporations shall keep a set of books, which shall show the amount of money, or other things of value received by such corporation or proposed corporation, from the sale of its stock, or from contracts of sale of its stock, and such books shall show the number and amounts of stock sold or contracted to be sold, by whom sold, and to whom sold, or contracted to be sold, and the

postoffice address of each. Said books shall at all times be open for inspection by the secretary or commissioner, or his duly authorized agent.

Sec. 9. Whenever the secretary or commissioner shall have information that any corporation, or the promoters of the proposed corporation, its officers, agents or employes, are not complying with the terms of this act in the sale of its stock they shall notify such corporation, or the officers, agents or employes or the promoters of the proposed corporation to appear, within twenty days, and show cause why such permit should not be cancelled, and after the hearing such secretary or commissioner shall have the right to cancel such permit if the proof shall show that such corporation or proposed corporation, or its officers, agents or employes are not complying with the terms of this act, but the parties or corporation holding such permit shall have the right to bring suit, in the district court of Travis county, Texas, against the secretary or commissioner, to reinstate such permit to sell stock.

Sec. 10. No permit to sell stock shall ever be issued to any foreign corporation which could not, under the facts and circumstances and conditions, at the time of its application for a permit to sell stock, or amended application, have procured a charter under the laws of Texas.

Sec. 11. Each foreign corporation or the promoters of any proposed foreign corporation desiring to sell or contract to sell its stock in this State shall first file with the secretary or commissioner a like power of attorney to that provided for life insurance corporations in Article 4773, Revised Civil Statutes of the State of Texas of 1911, and service may be had upon the corporation and the secretary or commissioner, as the case may be, as therein provided for, and the secretary or commissioner, as the case may be, upon receipt of such process as is therein provided for, shall proceed as is provided for him to do in Article 4774, Revised Civil Statutes of the State of Texas of 1911, and the secretary or commissioner's acts and conduct in regard to such power of attorney, and such process shall be the same as is provided for in said Articles 4774 and 4773, and the effect, force and result of such acts shall be the same as therein provided for.

Sec. 12. It shall hereafter be unlawful for any officer, agent or employe or trustee, or holding company, or sales agents, or person, or association of per-

sons in this State to sell, or offer to sell, or contract to sell, directly or indirectly, for such concern, any stock of any corporation or proposed corporation, subject to this act, which has been, proposed to be, is now being, or may hereafter be organized for profit, without first complying with the provisions of this act, and any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than two thousand dollars, and in addition thereto may be imprisoned in the county jail for any period not more than one year, or by both such fine and imprisonment.

Sec. 12a. At the expiration of two years from the granting of a permit under this act if the proposed corporation has failed to organize, then all subscribers must be refunded the amount paid to the promoter or trustee; provided, however, that the secretary or commissioner may grant an extension of time for the sale of securities.

Sec. 13. This act shall be construed to be cumulative of any other law or laws of this State.

Sec. 14. The terms of this act shall not apply to any national bank, nor to any corporation having a charter granted under any act of the Congress of the United States, nor to any State bank, bank and trust company, or trust company organized under the laws of this State, nor to any corporation organized under the Federal Reclamation Act, approved June 17, 1902, or the regulations established by the Secretary of the Department of the Interior in pursuance thereof. Nor shall the terms of this act apply to any corporation or the promoters of any corporation organized under the laws of Texas which does not sell or contract to sell its stock to more than twenty-five bona fide purchasers; provided, it does not act as the agent or trustee, holding company or sales company in the promotion of any concern which is included under the terms of this act. Nor shall this act apply to any railroad or railway company or inter-urban railroad or railway company, or street railroad or railway company. Nor shall this act apply to the sale of stock of a corporation by a bona fide owner of same, who had in good faith bought the same, and who in the purchase and sale of same was and is not acting directly or indirectly as promoter or agent of such corporation. Nor shall this act apply to a bona fide stock or stock broker in the sale of stock, which stock has been

by such corporation sold and issued to a bona fide purchaser prior to the offering of same for sale by such broker; provided, that such purchaser or broker was not acting, directly or indirectly, as promoter of such corporation.

Sec. 15. All moneys collected under the terms of this act by the secretary or commissioner shall be quarterly deposited by him with the State Treasurer and credited to the general fund. Whenever the secretary or commissioner shall deem it necessary to examine the books of any corporation or proposed corporation, subject to the provisions of this act, or investigate its financial condition, he shall do so at the expense of the corporation or proposed corporation under investigation, and the corporation or the agents of the corporation or proposed corporation being investigated shall pay to the secretary or commissioner, or his agent, making the investigation his actual expenses and seven dollars and fifty cents per day for such investigation, which said expenses shall be paid at the termination of such investigation by the concern investigated.

Sec. 16. Whenever the word "secretary" is used in this act it shall be considered to mean Secretary of the State of Texas, and wherever the word "commissioner" is used in this act it shall be considered to mean Commissioner of Insurance and Banking of the State of Texas.

Sec. 17. The fact that there is no law in this State regulating the sale of stocks of numerous corporations which are selling such stocks throughout this State, many of which are worthless, and the fact that the people of this State are being imposed upon by unscrupulous persons selling such worthless stocks, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

#### HOUSE BILL NO. 78.

(By Unanimous Consent.)

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 78 put on its second reading by the following vote:

Yeas—22.

Astin.

Bailey of Harris.



Carter.  
Clark.  
Collins.  
Cowell.  
Darwin.  
Greer.  
Hall.  
Harley.  
Johnson.  
Lattimore.

McNealus.  
Morrow.  
Nugent.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Watson.  
Westbrook.  
Wiley.

## Absent.

~ Bailey of De Witt. McGregor.  
Brelsford. Oliver.  
Conner. Warren.  
Gibson. Willacy.  
Hudspeth.

The Chair laid before the Senate, on second reading,

House bill No. 78, relating to drainage districts. (See House Message of today for caption.)

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—23.

Bailey of Harris.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Oliver.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Townsend.
Greer.	Warren.
Hall.	Watson.
Harley.	Westbrook.
Johnson.	Wiley.
Lattimore.	

## Absent.

Astin.	Hudspeth.
Bailey of DeWitt.	McGregor.
Brelsford.	Terrell.
Gibson.	Willacy.

The bill was read third time and passed by the following vote:

## Yeas—23.

Astin.	Carter.
Bailey of Harris.	Clark.

Collins.  
Conner.  
Cowell.  
Darwin.  
Greer.  
Hall.  
Harley.  
Johnson.  
Lattimore.  
McNealus.

Nugent.  
Oliver.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Watson.  
Westbrook.  
Wiley.

## Absent.

Bailey of De Witt.	McGregor.
Brelsford.	Morrow.
Gibson.	Warren.
Hudspeth.	Willacy.

Senator Hall moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 84.

Senator Hall moved to suspend pending business, and take up House bill No. 84, which motion was adopted by the following vote:

## Yeas—21.

Astin.	McNealus.
Bailey of Harris.	Morrow.
Carter.	Nugent.
Collins.	Oliver.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Hall.	Townsend.
Harley.	Watson.
Johnson.	Wiley.
Lattimore.	

## Nays—3.

Clark.	Westbrook.
Greer.	

## Absent.

Bailey of De Witt.	McGregor.
Brelsford.	Warren.
Gibson.	Willacy.
Hudspeth.	

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 84 put on its second reading by the following vote:

## Yeas—21.

Astin.	Darwin.
Bailey of Harris.	Greer.
Carter.	Hall.
Collins.	Harley.
Conner.	Lattimore.
Cowell.	McNealus.



Nugent.  
Oliver.  
Real.  
Taylor.  
Terrell.

Townsend.  
Watson.  
Westbrook.  
Wiley.

Nays—1.

Clark.

Present—Not Voting.

Johnson.

Absent.

Bailey of De Witt. McGregor.  
Brelsford. Morrow.  
Gibson. Warren.  
Hudspeth. Willacy.

The Chair laid before the Senate, on second reading,

House bill No. 84, relating to sale of certain lands on Galveston island by the State. (See House message of today for caption.)

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Bailey of Harris.	McNealus.
Carter.	Morrow.
Collins.	Nugent.
Conner.	Oliver.
Cowell.	Real.
Darwin.	Taylor.
Greer.	Terrell.
Hall.	Townsend.
Harley.	Watson.
Johnson.	Westbrook.
Lattimore.	Wiley.

Nays—1.

Clark.

Absent.

Astin.	Hudspeth.
Bailey of De Witt.	McGregor.
Brelsford.	Warren.
Gibson.	Willacy.

The bill was read third time and passed by the following vote:

Yeas—19.

Bailey of Harris.	Collins.
Carter.	Conner.

Cowell.  
Darwin.  
Greer.  
Hall.  
Lattimore.  
McNealus.  
Morrow.  
Nugent.

Oliver.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Watson.  
Wiley.

Nays—3.

Clark.  
Johnson.

Westbrook.

Absent.

Astin.	Hudspeth.
Bailey of De Witt.	McGregor.
Brelsford.	Warren.
Gibson.	Willacy.
Harley.	

Senator Hall moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 65.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 65, A bill to be entitled "An Act creating the Belcher Independent School District in Montague county, Texas; defining its boundaries; providing for a board of trustees to manage and control public free schools within said district; divesting the city of Belcher of the control of its public free schools, and the title of all properties now held and used for public free school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws of this State, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Wiley, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Bailey of Harris.	Greer.
Carter.	Hall.
Clark.	Harley.
Collins.	Johnson.
Conner.	Lattimore.
Cowell.	McNealus.
Darwin.	Morrow.

Nugent.	Townsend.
Oliver.	Warren.
Real.	Watson.
Taylor.	Westbrook.
Terrell.	Wiley.

Absent.

Astin.	Hudspeth.
Bailey of De Witt.	McGregor.
Brelsford.	Willacy.
Gibson.	

The bill was read third time and passed by the following vote:

Yeas—24.

Bailey of Harris.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Oliver.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Greer.	Townsend.
Hall.	Warren.
Harley.	Watson.
Johnson.	Westbrook.
Lattimore.	Wiley.

Absent.

Astin.	Hudspeth.
Bailey of De Witt.	McGregor.
Brelsford.	Willacy.
Gibson.	

Senator Wiley moved to reconsider the vote by which the bill was passed, and lay that motion on the table.  
The motion to table prevailed.

HOUSE BILL NO. 9.

Action recurred on the pending business, House bill No. 9, the question being on the pending amendment by Senator Terrell, and

Senator Watson called for the reading of the amendments, and

Senator Lattimore moved that the reading of the amendments and bill be dispensed with, which motion prevailed.

Senator Clark moved the previous question on the amendment, which motion being duly seconded, was so ordered.

Action recurred on the amendment by Senator Terrell, and the same was adopted.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend caption of bill by inserting after words "bill to be entitled" the fol-

lowing: "An Act to regulate and supervise the sale and purchase, in this State, of stocks of private, foreign and domestic corporations organized for profit, which propose to increase their capital stock; and to regulate and supervise the sale and purchase, in this State, of stocks of private, foreign and domestic corporations being organized and hereafter organized or proposed to be organized, for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stock and such corporation or proposed corporation, and to fix commission and promotion fees allowed to be charged; and providing for service of process, examination fees, and exempting certain corporations from the effect of this act; providing penalty for the violation of the provisions of this act, and declaring an emergency."

Senator Watson offered the following amendment:

Amend the bill by striking out all of Section 1.

Senator Clark moved to table the amendment, which motion was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—18.

Carter.	Morrow.
Clark.	Nugent.
Collins.	Real.
Cowell.	Terrell.
Darwin.	Townsend.
Greer.	Warren.
Hall.	Westbrook.
Lattimore.	Wiley.
McNealus.	Willacy.

Nays—3.

Bailey of Harris.	Watson.
Oliver.	

Absent.

Astin.	Gibson.
Bailey of De Witt.	Harley.
Brelsford.	Johnson.
Conner.	McGregor.

PAIRED.

Senator Taylor (present), who would vote "yea," with Senator Hudspeth (absent), who would vote "nay."

The bill was read third time and passed.

Senator Terrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

### REFUSED TO ADJOURN.

Senator Morrow, at 11 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning, which motion was lost by the following vote:

Yeas—3.

Clark.	Real.
Morrow.	

Nays—17.

Bailey of Harris.	Oliver.
Carter.	Taylor.
Collins.	Terrell.
Cowell.	Townsend.
Darwin.	Watson.
Greer.	Westbrook.
Hall.	Wiley.
Lattimore.	Willacy.
Nugent.	

Present—Not Voting.

McNealus.

Absent.

Astin.	Harley.
Bailey of DeWitt.	Hudspeth.
Brelsford.	Johnson.
Conner.	McGregor.
Gibson.	Warren.

### HOUSE BILL NO. 38.

Senator Darwin moved to suspend pending business and take up House bill No. 38, and

Senator Terrell moved, as a substitute, to take up Senate bill No. 41.

The substitute motion was lost.

Senator Lattimore moved, as a substitute, to take up House bill No. 17.

The substitute motion was lost.

The Chair laid before the Senate, on second reading.

House bill No. 38, A bill to be entitled "An Act to amend Article 7642, of Chapter 13, Title 126, Revised Statutes, 1911, providing for the redemption by the owner of lands or lots heretofore sold or that may hereafter be sold to the State, city or town for taxes, and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering

this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Bailey of Harris.	Oliver.
Carter.	Real.
Collins.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Greer.	Warren.
Hall.	Watson.
Lattimore.	Westbrook.
McNealus.	Wiley.
Morrow.	Willacy.
Nugent.	

Absent.

Astin.	Gibson.
Bailey of DeWitt.	Harley.
Brelsford.	Hudspeth.
Clark.	Johnson.
Conner.	McGregor.

The bill was read third time and passed.

Senator Darwin moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

### HOUSE BILL NO. 17.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 17, A bill to be entitled "An Act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations; and for the government and control of the same; placing the same under the control and supervision of the Commissioner of Insurance and Banking; and providing for the admission in this State of foreign building and loan associations; and providing penalties for the violation of this act, and repealing all laws in conflict with this act."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Lattimore, the

constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—19.

Carter.	Oliver.
Collins.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Greer.	Townsend.
Hall.	Warren.
Lattimore.	Westbrook.
McNealus.	Wiley.
Morrow.	Willacy.
Nugent.	

Present—Not Voting.

Bailey of Harris.      Watson.

Absent.

Astin.	Gibson.
Bailey of De Witt.	Harley.
Brelsford.	Hudspeth.
Clark.	Johnson.
Conner.	McGregor.

The bill was read third time and passed.

Senator Lattimore moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 79.

Senator Wiley moved that the regular order of business be suspended and that the Senate take up House bill No. 79.

Senator Nugent, at 11:25 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning, but the motion was lost.

Action then recurred on the motion to take up House bill No. 79, and the yea and nay vote developed no quorum voting, the following being the vote:

Yeas—15.

Carter.	Morrow.
Collins.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Lattimore.	Wiley.
McNealus.	

Nays—5.

Bailey of Harris.	Terrell.
Nugent.	Willacy.
Real.	

Absent.

Astin.	Harley.
Bailey of De Witt.	Hudspeth.
Brelsford.	Johnson.
Clark.	McGregor.
Conner.	Oliver.
Gibson.	

RECESS.

At 11:30 o'clock p. m., on motion of Senator Wiley, the Senate recessed until 9 o'clock tomorrow morning.

AFTER RECESS.

(Tuesday Morning, August 19, 1913.)

The Senate was called to order by Lieutenant Governor Mayes.

#### SIMPLE RESOLUTION.

By Senator Carter:

Whereas, The First Called Session of the Thirty-third Legislature of the State of Texas will adjourn sine die on tomorrow; and

Whereas, It is necessary to provide for the winding up of the affairs of the Senate of this Legislature, and it is necessary to have certain employees retained for certain necessary business in winding up the affairs of the session, after the membership has departed for their homes; therefore, be it

Resolved, That a committee of five be appointed by the President of the Senate to arrange for the printing of the Journal of the Senate of the First Called Session of the Thirty-third Legislature, and to determine what post-session clerical work is necessary in order to properly wind up the business of the Thirty-third Legislature and to determine what officers and employees shall be retained to perform such post-session clerical work, and to make such recommendations in the premises as to said committee may appear proper.

CARTER.  
WATSON.  
COLLINS.

The resolution was read and adopted.

In accordance with the above resolution, the Chair appointed the Contingent Expense Committee as the committee.

## HOUSE BILL NO. 79.

Action recurred on the pending motion to suspend the pending business and take up House bill No. 79, and Senator Watson asked unanimous consent to take up the bill, but there was objection, and action recurred on the motion to take up the bill out of its order.

The motion was adopted by the following vote:

Yeas—19.

Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McNealus.
Carter.	Morrow.
Clark.	Oliver.
Collins.	Taylor.
Cowell.	Townsend.
Darwin.	Watson.
Greer.	Westbrook.
Hall.	Wiley.
Hudspeth.	

Nays—3.

Nugent.	Terrell.
Real.	

Absent.

Astin.	Johnson.
Brelsford.	McGregor.
Conner.	Warren.
Gibson.	Willacy.
Harley.	

On motion of Senator Carter, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 79 put on its second reading by the following vote:

Yeas—20.

Bailey of DeWitt.	Lattimore.
Carter.	McNealus.
Clark.	Morrow.
Collins.	Oliver.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Greer.	Watson.
Hall.	Westbrook.
Hudspeth.	Wiley.

Nays—1.

Real.

Present—Not Voting.

Nugent.

Absent.

Astin.	Johnson.
Bailey of Harris.	McGregor.
Brelsford.	Warren.
Gibson.	Willacy.
Harley.	

The Chair laid before the Senate, on second reading,

House bill No. 79, requiring railroad companies to furnish cars to shippers, etc. (see House message of today for caption).

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

Senator Carter offered the following amendments, severally, which were read and adopted:

Amend House bill No. 79 by striking out in Article 6681, first line in House Journal of August 13, 1913, same being in Section 2 of said printed bill, all after the word "shall," in first line of said Article 6681 up to and including the word "cars," in fifth line of said paragraph, so as to make said paragraph read in part as follows: "Such applicant shall deposit with such agent," etc.

CARTER,  
MORROW,  
WILEY,  
WATSON.

Amend bill, Article 6682, by striking out after the word "notice" the following: "or forfeit to the railway company all actual damages that such railway company may sustain by reason of the failure to so unload said cars," and insert in lieu thereof the following: "or forfeit and pay to the company the sum of twenty-five dollars per day for each car not so unloaded."

Amend the bill and caption in accordance therewith by adding to Section 4, Article 6683a: "Provided, that the provisions of this act shall not be held to forfeit or annul the demurrage regulations provided by the Railroad Commission of Texas, and all penalties accruing to the carrier hereunder shall be cumulative of and additional to all demurrage charges prescribed by said Commission."

Senator Lattimore offered the following amendment:

Amend bill by adding at the end of Article 6682 the following: "Provided, that such notice shall contain a substantial statement to such consignee that such demurrage will be collectible if such freight be not unloaded in said forty-eight hours."

The amendment was read, and Senator Carter moved to table the same, which motion to table was adopted by the following vote:



## Yeas—15.

Bailey of Harris.	Hudspeth.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Real.
Darwin.	Watson.
Gibson.	Wiley.
Greer.	Willacy.
Hall.	

## Nays—8.

Astin.	Nugent.
Collins.	Taylor.
Conner.	Townsend.
Lattimore.	Westbrook.

## Present—Not Voting.

Oliver.	Warren.
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## Absent.

Bailey of De Witt.	Johnson.
Cowell.	McGregor.
Harley.	Terrell.

The bill was read second time and passed to a third reading.

On motion of Senator Carter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Astin.	Lattimore.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Oliver.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Watson.
Gibson.	Westbrook.
Greer.	Wiley.
Hall.	Willacy.
Hudspeth.	

## Present—Not Voting.

Nugent.
---------

## Absent.

Bailey of DeWitt.	McGregor.
Harley.	Warren.
Johnson.	

The bill was read third time and passed by the following vote:

## Yeas—25.

Bailey of Harris.	Cowell.
Brelsford.	Gibson.
Carter.	Greer.
Clark.	Hall.
Collins.	Hudspeth.
Conner.	Johnson.

Lattimore.	Townsend.
McNealus.	Warren.
Morrow.	Watson.
Nugent.	Westbrook.
Oliver.	Wiley.
Taylor.	Willacy.
Terrell.	

## Present—Not Voting.

Astin.	Real.
--------	-------

## Absent.

Bailey of De Witt.	Harley.
Darwin.	McGregor.

Senator Carter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

### HOUSE BILL NO. 29—REPORT OF FREE CONFERENCE COM- MITTEE.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: We, your Free Conference Committee, to whom was referred House bill No. 29, with Senate amendments thereto, have had the same under consideration at a session of said committee, and beg leave to report it back to the Senate and House with the recommendation that it do not pass, but that the accompanying Free Conference Committee Substitute for House bill No. 29 do pass in lieu thereof.

COWELL,  
COLLINS,  
HUDSPETH,  
LATTIMORE,  
BRELSFORD,

On the part of the Senate.

WORTHAM,  
HILL,  
WOODS of Navarro,  
GOODNER,  
KIRBY,

On the part of the House.

### FREE CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 29.

## A BILL

## To Be Entitled

An Act making appropriations to pay various miscellaneous claims against the State, authorizing the payment of

said miscellaneous items on the taking effect of this act. making appropriations for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury not otherwise appropriated to pay various miscellaneous claims against the State, as herein enumerated; and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913.

#### Miscellaneous Items.

To refund liquor dealers the proportionate amount of taxes heretofore paid by them for the unexpired term of their licenses in local option district, and restricted districts on account of amended city charters, up to August 31, 1915, and to refund the State's portion of all such liquor licenses, heretofore paid under laws, heretofore enacted, or so much thereof as may be necessary .....	\$ 10,000 00
To pay Jake Giles, sheriff of Jefferson county, fees in criminal cases .....	206 40
To pay C. W. Howth fees as county attorney in felony cases, on which payments were made, as if the county was under the fee bill....	184 00
To pay T. F. Skevington, tax assessor of Dimmit county, for assessing State revenue and State school taxes for year 1912, as per Comptroller's certificate No. 1..	883 85
To pay Dennis Richardson for services as a Texas ranger for five months at \$40 a month, from March, 1860, to July, 1860, inclusive .....	200 00
To pay J. P. Flynt, sheriff of Runnels county, fees in felony cases .....	20 00

To pay William Reese, manager for the Colonial and United States Mortgage Company, Ltd., overpaid franchise tax .....	72 00
To pay Marshall Traction Company amount erroneously paid as franchise tax on account of said company being subject to the gross receipts tax law.....	37 50
To pay Mrs. E. L. Wesley, public free school teacher of Coleman county, Texas, for amount due her for services rendered during the year of 1891, account having the approval of State Superintendent F. M. Bralley .....	40 00
To pay Higgins Oil and Fuel Company claim against the State for four cars of fuel oil, shipped and delivered to the State Lunatic Asylum, at Austin, during the year 1907, which account now has the approval of the storekeeper and accountant and the Purchasing Agent at that time...	859 43
To pay the Swann Furniture and Carpet Company for desks, chairs, carpet and linoleum for the House of Representatives .....	2,380 02
To refund to C. and E. Branch, citizens of Jackson county, amount overpaid in taxes.....	41 33
To refund State taxes erroneously paid by the Ragley-Saner Lumber Company of Jasper county....	13 31
To refund to the First National Bank of Amarillo, Texas, taxes erroneously paid .....	155 00
To refund to the Rural Telephone Company of Holland, Texas, gross receipts taxes illegally and erroneously paid .....	85 93
To refund to Mrs. P. B. Carr taxes erroneously paid on lot in city of Dallas.....	6 00
To pay amount due W. M. Atkinson, district attorney of the Twenty-fifth Judicial District, for services rendered in trial of certain cases in the years 1908 and 1909, included.....	180 00
To pay R. B. Minor salary as codifying commission-	

er from December 15, 1912, to January 1, 1913.....	145 83	August, 1911; also water furnished Capitol grounds during the months of July and August, 1911; also Land Office, August, 1911, and 1912; also water and light furnished the State Confederate Home for July and August, 1907; Janu- ary, April and July, 1908	1,968 93
To pay Andreas Coy, Jr., district clerk, Bexar coun- ty, Texas, for costs in the case of H. E. W. Gley vs. Lane .....	27 55	The above claims have never been paid, as the funds for the different in- stitutions to cover such items having been exhaust- ed for those months, and furthermore, these claims have never been presented to the Finance Committee, for the reason that they had been misplaced.	
To refund to S. H. Huston of Houston, Texas, taxes erroneously paid to the State .....	10 32	To pay A. L. Ledbetter of Dallas county, fees due in trials of certain cases....	27 90
To pay the Southwestern Traction Company, fran- chise tax erroneously paid, on account of paying a gross receipt tax .....	172 55	To pay Tom D. Smith for yeast furnished the Deaf and Dumb Institute, col- ored, during months of April and May, 1913, said account being approved by the board of said institu- tion .....	16 36
To pay accounts of annota- tors and assistants, as per list of approved accounts by the Codifying Com- missioners .....	4,413 21	To pay W. H. Graham fees in case No. 3744 in the dis- trict court of Taylor coun- ty, State of Texas, vs. Ber- nardo Acosta; also case No. 3751, State of Texas vs. Sam Spicer .....	23 25
To pay Judge Sam R. Scott and assistants, for services rendered in connection with the locating and re-mark- ing boundary line between New Mexico and the State of Texas, as per contract entered into by the Gover- nor of Texas and Judge Scott on the 12th day of April, 1911, included.....	10,073 49	To pay account of stenog- raphers, as per approved accounts by the codifying commissioners .....	1,378 25
To pay the San Antonio Drug Company for drugs, etc., delivered to the Southwestern Insane Asy- lum at San Antonio, State Orphans' Home, at Corsi- cana, and the North Texas Insane Asylum at Terrell, Texas, said claims being properly approved by the boards of each of the above named institutions, the same having never been paid, papers having been lost in the past .....	224 81	To pay Z. R. McDonald, offi- cial court reporter, Fifty- ninth Judicial District, fees allowed for services rendered in case No. 11687, State of Texas vs. Wood Maxcey .....	26 25
To pay Swift & Co. for two shipments of butterine, made to the Southwestern Insane Asylum of San An- tonio, April 26, 1911, and June 2, 1911 .....	268 80	To pay O. P. Fowler, official court reporter Twenty- fourth Judicial District, for services in criminal cases, as per accounts filed in Comptroller's Depart- ment .....	122 17
To pay Austin Light & Pow- er Company for water and light furnished the State Deaf, Dumb and Blind In- stitute, colored, during the months of May, June, July and August, 1911, and July and August, 1912; also State Insane Asylum, July and August, 1912; State Confederate Home,		To pay H. P. Bickler, official court reporter Twenty- sixth Judicial District, stenographic fees in cases of State of Texas vs. Raph-	

ael Lopez, C. O. Turner and W. M. Stevens.....	31 42	rendered in case of State of Texas vs. Tom Tate....	153 00
To pay T. M. Harrell, official court reporter Seventy-first Judicial District, case of Texas vs. Mose Wilson..	11 06	To pay T. M. Harrell, official court reporter Seventy-first Judicial District, for services rendered in case of State of Texas vs. Philip Brookins .....	23 60
To pay George G. Markley, official court reporter of the First Judicial District, stenographic fees in sundry cases .....	112 25	To pay C. I. Evans, official court reporter of Criminal District No. 2, Dallas county, in case of State of Texas vs. Ed Jones.....	48 40
To pay Earl Carter, official court reporter of the Sixty-sixth Judicial District, for services in case of State of Texas vs. Bush Coker.....	15 60	To pay George E. Bell, official court reporter Thirty-seventh Judicial District, in cases of State of Texas vs. A. Calderon and Frank Smith .....	10 40
To pay Hall Etter, official district court stenographer, one-half of transcript fees in the hereinafter styled and numbered causes, where the court was required to and did appoint attorneys to represent defendants in criminal action, as provided in Section 14, Chapter 119, Acts of the Thirty-second Legislature, which one-half of said transcript fees are as follows, towit:		To complete the erection of a monument in the court house yard at Granbury, Hood county, Texas, to the memory of Brigadier General H. B. Granbury, to be expended under the direction of the Daughters of the Confederacy of Granbury Camp, or so much thereof as may be necessary .....	1,000 00
No. 3166. The State of Texas vs. Alfred Alexander .....	20 00	For support and maintenance of the Deaf and Dumb and Blind Institute, Colored, for the fiscal year ending August 31, 1913.....	400 00
No. 3162. The State of Texas vs. Cullen Nobles and Curtis McGinsey...	14 00	To erect a monument in the State Cemetery over the grave of Major General John A. Wharton, or so much thereof as may be necessary, to be expended under the direction of the Governor .....	1,000 00
No. 3162. The State of Texas vs. Curtis McGinsey .....	12 00	To pay Clarke & Courts for stationery bought June 18, 1913, by the Court of Civil Appeals at Texarkana .....	37 75
No. 3251. The State of Texas vs. Curtis McGinsey .....	17 00	To pay Geo. D. Barnard & Co., stationery accounts for the Court of Civil Appeals at Texarkana for Stationery bought during the months of April, May and October, 1911, and January, 1913 .....	201 80
No. 3282 and No. 3283. The State of Texas vs. Will Johnson .....	15 00	To pay E. T. Rosborough for one typewriter furnished Court of Civil Appeals, Sixth District, during year 1907.....	100 00
No. .... The State of Texas vs. Dan McCline..	20 00		
No. .... The State of Texas vs. Lillie Maxwell	19 00		
To pay Sam W. Davis, official court reporter Fifteenth Judicial District, in case of State of Texas vs. Carl Oliver .....	24 10		
To pay Charles E. Pickle, official court reporter, Fifty-third Judicial District, for services in cases of State of Texas vs. John Henry and W. M. Stevens.....	21 37		
To pay Henry Mings, official court reporter Seventh Judicial District, for services			

To pay E. T. Rosborough for one wide carriage typewriter furnished Court of Civil Appeals, Sixth District, during year 1908..	115 00	constitutional about the latter date .....	30 00
To pay E. T. Rosborough difference in exchange of two typewriters for Court of Civil Appeals, Sixth District, during year 1911..	125 00	To pay C. A. Dahlich for chairs, etc., furnished the Deaf and Dumb Institute, November, 1910, said account having approval of the board, which has never been paid .....	46 60
To pay E. T. Rosborough difference in exchange of one typewriter for the Court of Civil Appeals, Sixth District, during year 1912	35 00	Salary of one assistant inspector of masonry from July 3, 1913, to September 1, 1913 .....	290 00
To pay E. T. Rosborough for repairing and remodeling one typewriter for Court of Civil Appeals, Sixth District .....	15 00	Expenses of assistant inspector of masonry, July 3, 1913, to August 1, 1913....	76 35
To pay Joe Murray for postage stamps for Court of Civil Appeals, Fourth District, during months of May, June and July, 1913, account being approved by W. S. Fly, Chief Justice.	26 50	Estimated expenses of assistant inspector of masonry August 1, 1913, to September 1, 1913.....	90 00
To pay Remington Typewriter Company balance due on typewriters for the General Land Office.....	297 20	To pay Wm. J. Bailey of Ft. Worth, Texas, ten months' rent on feeding station for the months of February to November, 1911, inclusive, said account being approved by the Director of State Experiment Stations .....	833 33
To pay the Underwood Typewriter Company balance due on typewriters for the General Land Office.....	247 53	To pay additional expenses of extra live stock inspectors up to September 1, 1913..	2500 00
To pay John W. Benson the following: For service as a Texas Ranger for five months at \$40 per month, from March, 1860, to July, 1860, inclusive .....	200 00	To refund to the State Farmers' Mutual Hail Insurance Company of Minnesota, fees paid to the State of Texas for permit to do business in the State, said application being refused..	46 25
To refund E. M. Bacon money paid into the State Treasury for land applied for under Act of 1879, said application being rejected by the Land Commissioner in accordance with judgment of the district court of Mitchell county, as per certificate of Land Commissioner .....	579 00	To refund William M. Dunson, Travis county, State taxes erroneously paid the year 1911, same having been paid twice.....	22 92
To refund to H. T. Reuter-mann, of Bexar county, State portion of a tax as sewing machine agent for the years from April 16, 1910, to April 15, 1911, and from April 16, 1911, to April 15, 1912, due to the fact that the law known as the merchants' occupation tax law was declared un-		To pay J. T. Robinson for copying General and Special Laws of the Thirty-third Legislature and for proof reading General Laws, 114 days' work....	400 00
		To pay sundry accounts due by the Nacogdoches Experiment Station, vouchers to be approved by the Director of Experiment Stations, as follows:	
		Labor on buildings.....	123 80
		Superintendent's account	341 00
		Fertilizers .....	105 00
		Feed stuffs .....	80 20
		Salaries June, July and August, 1913 .....	300 00
		Labor .....	50 00
		To pay the Texas State prison system for cast	



iron pipe furnished the Confederate Home, said account being approved by the storekeeper for said Home .....	411 03	Paso county, from the 1st day of Sept., 1913, to the 31st day of Dec., 1914...	4,000 00
To pay amount due Company I, 2d Infantry, Texas National Guard, for services rendered at Laredo February and March, 1913, in aid of civil authority.....	143 45	There is hereby appropriated, to be paid out of the State Treasury out of any funds not otherwise appropriated, the sum of one million three hundred and fifty thousand eight hundred sixty and 27-100 (\$1,350,860.27) dollars, with which to pay the debts incurred by the Prison Commission of the State; provided, however, that in the event the State is able to sell the one million and five hundred thousand dollars in bonds authorized to be issued by Chapter 57 of the Acts of the General Session of the Thirty-third Legislature of the purpose of paying the debts of the prison system, that then the debts here referred to shall be paid out of the funds realized from the sale of said bonds; but in the event the State should not be able to sell said bonds, then such debts shall be paid out of the general revenue, and in figuring the tax rate the State Tax Board shall take into consideration the sums herein appropriated for the payment of said debts.	
To pay for services rendered by Companies A, B, D and Hospital detachment, 4th Infantry, Texas National Guard, at Ft. Worth, Texas, May, 1913, on the call of the sheriff of Tarrant county, in aid of civil authority .....	1,075 45	Provided, that said appropriations shall and are hereby made as follows:	
To pay increase of salaries of twenty-four judges of the Eighth Supreme Judicial District from July 1, 1913, to August 31, 1913, inclusive .....	2,000 00	For the year ending August 31, 1914 .....	\$675,430 27
To pay increase of salaries for the six judges of the Supreme Court and Court of Criminal Appeals, from July 1, 1913, to August 31, 1913 .....	1,000 00	For the year ending August 31, 1915 .....	675,430 00
To pay amount due the city of Austin for paving Lavaca street, from Tenth to Eleventh streets, in the rear of the Governor's Mansion .....	1,058 75	To pay Raymond Gilmore for overtime work on Senate Journal .....	150 00
For mileage and per diem, Regular Session Thirty-third Legislature, being balance due J. L. Robinson and Noel Brown, Journal Clerks .....	150 00	To pay J. L. Robinson and Noel Brown and W. R. Long for overtime.....	360 00
To pay the following amounts necessary for the enforcement of the provisions of Section 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i, of Chapter 17, Acts of the First Called Session of the Thirty-first Legislature, to be expended in two years ending August 31, 1913, as follows:		Approved deficiencies for the year ending August 31, 1913:	
Registered claims .....	2,073 72	State Tax Board:	
To pay claims of court reporters for transcribing testimony in felony cases where pauper oath is filed, as provided by law.....	250 00	Salary of bookkeeper, stenographer, etc. ....	150 00
To pay the salary of the judge of the special district court in and for El		Postage, express, telegraphing and telephone.....	100 00
		Contingent expenses .....	75 00

<b>Insurance and Banking:</b>		<b>cases for the year ending August 31, 1913:</b>	
Postage, stationery, express, etc. ....	1,000 00	Registered .....	51,070 91
Contingent expenses .....	150 00	For the year ending August 31, 1911 .....	2,865 94
<b>State Library:</b>		Fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials .....	1,784 00
Library supplies, postage and freight .....	100 00	For the payment of sheriffs, clerks and attorneys in felony cases for the year ending August 31, 1912.....	56 85
Contingent expenses .....	25 00	For expenses of attached witnesses for the year ending August 31, 1913 .....	29 66
<b>State Lunatic Asylum:</b>		Fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials for the year ending August 31, 1912 .....	7 00
Support and maintenance.	30,000 00	To refund to the Leon H. Blum Land Company taxes erroneously paid on land in E. Thomas Survey, Abstract 73, Harris county, Texas .....	17 33
Dry goods and clothing...	6,000 00	<b>Public Debt:</b>	
Repairs .....	2,000 00	Payment of interest on public debt for the year ending August 31, 1914.	\$129,691 00
<b>State Purchasing Agent:</b>		For the year ending August 31, 1915.....	129,691 00
Contingent expenses .....	300 00	To pay Miss Mary Mercer for stenographic work in preparing an application for a deficiency appropriation for the Colored Deaf, Dumb and Blind Asylum, at the request of the Board of Managers for said asylum...	5 00
<b>A. and M. College:</b>		<b>Prairie View Normal:</b>	
Support and maintenance, salaries .....	45,000 00	Balance on deficiency for the years beginning September 1, 1911, and ending August 31, 1913...	30,582 99
Support and maintenance, running expenses .....	15,000 00	<b>Agricultural and Mechanical College:</b>	
<b>Prairie View Normal:</b>		Balance on deficiency for the years beginning September 1, 1911, and ending August 31, 1913....	27,265 83
Support and maintenance	10,000 00	To complete new mess hall	12,529 00
<b>Public Buildings and Grounds:</b>		To complete main building	22,500 00
Water, light, fuel and contingencies .....	1,200 00		
<b>Public Printing:</b>			
Printing, first, second and third class, etc.....	12,000 00		
Claims registered in the Comptroller's office, appropriations being exhausted for the fiscal year ending August 31, 1913.			
<b>Southwestern Insane Asylum:</b>			
Support and maintenance..	430 15		
<b>For the fiscal year ending August 31, 1912:</b>			
To pay special judges..	239 28		
To refund liquor dealers the proportionate amount of taxes paid by them for the unexpired term of their license in local option districts and to refund the State's portion of liquor license under Chapter 17, of the First Called Session of the Thirty-first Legislature, Sections 17 and 16, August 31, 1913 .....	2,500 00		
<b>For the payment of fees and costs of sheriffs, clerks and attorneys in felony</b>			

<p>Provided, that so much of the appropriation herein provided for to complete the new mess hall and the main building shall be allowed as the same may be approved by the Governor, and that no part of said sum appropriated shall be used to supplement any amount contracted to be paid to any contractor for any work included in said contracts.</p>		
<p>To purchase a bust of General Mumecan Hunt, now in possession of his widow in Montgomery, Texas, together with any papers and historical data that may be in possession of said widow, to be deposited in the State Library in the Capitol at Austin.....</p>	2,000 00	
<p>And the Governor is hereby authorized to draw a warrant for said sum against the general revenue for the purpose, and the Comptroller is hereby authorized to issue warrant against the State Treasurer, and the Treasurer is hereby authorized to pay same.</p>		
<p>Special Judges:</p>		
<p>To pay Judge J. Llewellyn (special judge for the Ninth Judicial District) salary from April 26, 1913, to August 31, 1913</p>	1,041 66	
<p>To pay Judge W. J. Mathis (special judge for Grayson county) salary from May 12, 1913, to August 31, 1913 .....</p>	908 33	
<p>To pay Ellis Brothers of El Paso, account created by the Court of Civil Appeals (Eighth Supreme Judicial District), upon approved account .....</p>	97 95	
<p>To pay J. I. Driscoll, clerk of the Eighth Supreme Judicial District Court, amount paid for stamps..</p>	35 00	
<p>To pay George D. Barnard &amp; Co. for supplies furnished the Eighth Supreme Judicial District Court.....</p>	47 50	
<p>To erect a monument in San Patricio county to the</p>		memory of James McGloin, empresario of the McMullen and McGloin colony, subject to the approval of the Governor...
		1,000 00
		To pay Bascom Lynn, Superintendent Tuberculosis Sanitarium, amount paid for salary account of the State on December, 1912, payroll .....
		1,572 54
		To reimburse Continental Land & Cattle Co. for taxes erroneously collected by the State and erroneously paid on lands in Hall, Cottle and Motley counties for the years 1892 to 1911, inclusive.....
		1,169 77
		All the unexpended balance of the appropriation made by the Thirty-second Legislature, Chapter 32 of the General Laws as enacted at the Regular Session, being House bill No. 142, said appropriation being included in Section 6 of said act, are hereby appropriated for the purposes of said act and the payment of said bounties as therein enumerated, for the two years beginning September 1, 1913, and ending August 31, 1915.
		To pay the keeper of San Jacinto Battle Ground for services rendered up to and inclusive of August 31, 1913, under the direction and supervision of the Superintendent of Public Buildings and Grounds....
		900 00
		To pay F. W. Axtell & Company for supplies furnished the State Experiment Station during the years 1910 and 1911.....
		144 75
		To pay George Harper, ex-tax collector of El Paso county, amount of excess taxes
		99 45
		To pay freight and other miscellaneous items due by the Adjutant General's Department, as per accounts on file in said Department
		897 48
		To pay T. M. Harrell, official court reporter of the Seventy-first Judicial District, case of State of Texas vs. Israel Hill .....
		28 15
		Treasury Department:
		To refund to purchasers or

lessees of public domain, public school lands, etc., when approved by the Attorney General ..... 2,536 18

For the purpose of carrying into effect the provisions of Article 5353, 5354 and 5355 of the Revised Civil Statutes of 1911, there is hereby appropriated out of any funds in the hands of the Treasurer not otherwise appropriated, or so much thereof as may be necessary, to be expended in two years under the direction of the Governor, Attorney General and Commissioner of the General Land Office of the State of Texas, in resurveying the lands conveyed in payment for the building of the State Capitol..... 10,000 00

To pay the fees of witnesses in felony cases who are subpoenaed in the county in which the case is tried, as provided in the Acts of the First Called Session of the Thirty-third Legislature, provided that the said appropriations shall and are hereby made as follows:

For the year ending August 31, 1914..... 100,000 00

For the year ending August 31, 1915..... 100,000 00

Total .....\$2,164,915 24

Sec. 2. The appropriations herein provided for are to be construed as the maximum sums to be appropriate to and for the several purposes named herein, and no expenditure shall be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Sec. 3. Whereas, there are no appropriations to pay claims against the State herein provided for, which are outstanding and are legal claims against the State, creates an emergency and an imperative public necessity, which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each House, and this act take effect and be in force from and after its passage, and it is so enacted.

The above report was read and adopted by the following vote:

Yeas—28.

Astin.	Lattimore.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	McNealus.
Bielsford.	Morrow.
Carter.	Nugent.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Hudspeth.	Wiley.
Johnson.	Willacy.

Absent.

Darwin.	Oliver.
Harley.	

#### MOTION TO RECALL HOUSE BILL NO. 9 FROM HOUSE.

Senator Hudspeth made the following motion in writing:

Be it resolved by the Senate, That the House be requested to return to the Senate for correction and further consideration House bill No. 9.

HUDSPETH,  
WATSON.

#### EXECUTIVE SESSION.

The Chair here announced that the hour, 10 o'clock, previously designated for the Senate to hold executive session for the purpose of considering appointments previously sent to the Senate by the Governor, had arrived.

Senator Terrell made the point of order that today being the legislative day of yesterday and that the time for executive session had not arrived.

The Chair overruled the point of order.

Senator Carter moved that the time for the executive session be postponed until 3 o'clock today.

#### ADJOURNMENT.

Senator McNealus moved that the Senate adjourn until 10:15 o'clock Tuesday, August 19, 1913, which motion was adopted.

#### APPENDIX.

#### BILLS AND RESOLUTIONS SIGNED.

The Chair, Lieutenant Governor Mayes, gave notice of signing, and did

sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

Senate Concurrent Resolution No. 5, Providing for the appointment of a State Commission to raise the funds, assemble, prepare, install and maintain an exhibit of the resources of the State of Texas at the Panama-Pacific International Exposition at San Francisco, 1915.

Senate bill No. 12, "An Act to amend Chapter 132 of the Acts of the Thirty-third Legislature, entitled 'An Act to provide for indeterminate sentences of persons convicted of certain crimes; for the termination of such sentences and the release of such persons on parole; providing for exemption from the operations of the laws in certain cases, and repealing all laws in conflict herewith, and declaring an emergency.'"

Senate bill No. 22, "An Act to create a more efficient road system for Hall county, Texas, and making the commissioners court of said county ex-officio road commissioners in their respective precincts, making this act cumulative, and declaring an emergency."

Senate bill No. 25, "An Act to authorize the Governor, Attorney General and Land Commissioner to lease water rights in the Guadalupe river, in DeWitt county, upon such terms and for such consideration as they may prescribe, and providing priority of interest in leasing, and also providing means of adjusting damages for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation, the manner of measuring water, and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made, and fixing the rights of purchasers of said leaseholds, and declaring an emergency."

Senate bill No. 35, "An Act appropriating the sum of five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

Senate bill No. 45, "An Act creating the Files Valley Orphans' Home Independent School District; providing for the appointment of trustees of said district; defining the boundaries, and declaring an emergency."

House bill No. 73, "An Act to create a more efficient road system for Gal-

veston county, Texas, and making county commissioners precinct road commissioners of their respective precincts; providing their compensation; defining their powers and duties, and declaring an emergency."

House bill No. 39, "An Act to prohibit the use of any imitation label, trade mark, design, device, imprint or form of the flag of the State of Texas for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, fixing a penalty for violation thereof, and declaring an emergency."

House bill No. 56, "An Act creating the Port Aransas Independent School District, known as Common School District No. 8, in Nueces county, Texas, and including within its limits the municipal corporation of the town of Port Aransas; and defining its boundaries; and to provide for the creating of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers, and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools, providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of the board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith, in so far as they conflict with this act, and declaring an emergency."

House bill No. 87, "An Act dividing Ridings Common School District No. 95, in Fannin county, Texas, into two common school districts, to be known as 'Ridings' Common School District No. 95' and 'Finley Common School District No. 126,' by a line running east and west across said Ridings Common School District No. 95, so as to give each of the newly created common school districts about an equal number of square miles of territory."

House bill No. 63, "An Act authorizing the city of Nacogdoches, a municipal corporation, to sell the United States of America a portion of the Main Plaza



for a Federal building site, and declaring an emergency."

House bill No. 81, "An Act to repeal Chapter 121, Special Laws of the Regular Session of the Thirty-third Legislature, the same being a special road law for Liberty county, and declaring an emergency."

House bill No. 75, "An Act creating the Copita Independent School District, in Duval county, Texas; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general law; providing for a board of trustees therefor, and declaring an emergency."

House bill No. 60, "An Act to amend Sections 26 and 53 of Article 30 of Title 5 of the Revised Statutes of Texas, 1911, and to change and prescribe the time for holding the district court in the Twenty-sixth Judicial District of the State of Texas, and the Fifty-third Judicial District of the State of Texas, and to define the jurisdiction of said courts, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third district courts, and to provide for a clerk for the district court of the Twenty-sixth and Fifty-third Judicial District Court in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit and grand juries of such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 57, "An Act to amend Chapter 1, Title 11, of the Revised Civil Statutes of this State of 1911, relating to attachments, by adding thereto Article 247a, providing for the issuance of attachments in suits founded in tort and upon unliquidated demands, and providing for the fixing of the amount of bond in such cases, and declaring an emergency."

House bill No. 62, "An Act to change and prescribe the time for holding district court in the Forty-ninth Judicial District of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 58, "An Act to amend Chapter 38 of the Special Laws of the Thirty-second Legislature, as amended by the Thirty-third Legislature, entitled 'An Act to create a more efficient road system for Wood county,' etc., by mak-

ing it unlawful to injure or damage any public road in said county; prescribing penalties, and declaring an emergency."

House bill No. 55, "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas; to fix the times for holding the terms of district court therein; to make all process heretofore issued as well as bonds and recognizances heretofore entered into conform thereto, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

House bill No. 47, "An Act to incorporate the Fruitvale Independent School District, in Van Zandt county, for free school purposes, and declaring an emergency."

House bill No. 52, "An Act to amend the special road law for Smith county, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature, and creating an emergency."

House bill No. 43, "An Act to fix the time for holding the terms of the district court in the Forty-seventh Judicial District, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 59, "An Act to incorporate Thorndale School District, in Milam and Williamson counties, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, and issuing bonds for the erection of school buildings within said district, and declaring an emergency."

House bill No. 13, "An Act to amend Chapter 150, General Laws, passed at the Regular Session of the Thirty-third Legislature, relating to application for witnesses in felony cases so as to repeal Section 4 of said chapter, which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court."

House bill No. 33, "An Act to reorganize the Thirty-fourth Judicial District of Texas, to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas, providing for the returning of the process issued and to be issued by said courts, validating process heretofore issued by said court, and declaring an emergency."

House bill No. 46, "An Act to amend Sections 3, 4 and 10, of Chapter 173, of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, approved April 9, 1913, relating to the development of minerals in public lands."

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 55, A bill to be entitled "An Act to amend Article 2827 and Article 2826 of the Revised Civil Statutes of the State of Texas, so as to provide that the valuation placed on property for taxation in county line independent school districts having their own tax assessor shall not be governed by the valuation placed thereon for State and county taxation, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

DARWIN, Acting Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 47, A bill to be entitled "An Act creating the Hudsonville Independent School District, in Fannin county, Texas, defining its metes and bounds; providing for a board of trustees therefor; vesting it with the right and duties of districts incorporated for school purposes only under the general laws; and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

DARWIN, Acting Chairman.

(Floor Report.)

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 78, A bill to be entitled "An Act providing for the abolition of

drainage districts, heretofore organized, or that may hereafter be organized under the general laws of the State of Texas, and providing a method for the creation of a trustee and treasurer to take charge of the property and effects of said abolished districts and winding up the affairs thereof, and declaring an emergency,"

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Brelsford, Chairman; Hudspeth, Conner, Johnson, Bailey of De Witt, Collins, Willacy, Taylor, Hall.

(Floor Report.)

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

House bill No. 38, A bill to be entitled "An Act to amend Article 7642 of Chapter 13, Title 126, Revised Statutes, 1911, providing for the redemption by the owner of lands or lots heretofore sold or that may hereafter be sold to the State, city, or town for taxes, and declaring an emergency,"

Have had same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Carter, Chairman; McNealus, Morrow, Collins, Real, Terrell, Cowell, Gibson, Hudspeth, Bailey of Harris.

(Floor Report.)

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Commerce and Manufactures, to whom was referred

House bill No. 79, A bill to be entitled "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for the use of such cars if demand be made therefor; requiring such applicants to load cars when so furnished within forty-eight hours after delivery of same, and providing penalties; requiring the parties to whom such

cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against any railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, and declaring an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Collins, Chairman; Bailey of Harris, Johnson, Conner, Brelsford, Hall, Lattimore.

(Floor Report.)

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 84, A bill to be entitled "An Act to authorize the Governor to sell and conditionally relinquish to J. J. Kane of the city of Galveston, his heirs and assigns, or other persons, any right, title or claim the State of Texas has in and to certain flats, or lands under water, on the shores of Galveston bay, in Galveston county, for the purpose of the construction of a dry dock or marine railway, and authorizing the Governor of the State of Texas to make necessary conveyances, and declaring an emergency,"

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Lattimore, Chairman; Hudspeth, McNealus, Johnson, Taylor, Brelsford, Real, Collins, Bailey of Harris, McGregor, Morrow, Cowell, Hall.

(Floor Report.)

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 54. A bill to be entitled "An Act to amend Section 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's lien on real estate, and providing that said sections shall hereafter read as follows, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Morrow, Chairman; Carter, Hudspeth, Greer, Lattimore, Brelsford.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 35. A bill to be entitled "An Act to amend Chapter 67 of the Acts of the Thirty-third Legislature, Regular Session, of the State of Texas, entitled 'An Act to prohibit the interstate shipment and transportation of intoxicating liquors, etc.' and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

CONNER, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 23, A bill to be entitled "An Act to name the several counties composing the Sixty-third Judicial District and fix the time for holding district courts therein, and to repeal all laws in conflict therewith, and declaring an emergency,"

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 36, A bill to be entitled "An Act to amend Articles 7435, 7442, 7443, 7451 and 7452 of the Revised Civil Statutes of the State of Texas, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 and 6 a. m. of the following morning of any week

day; and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any law of this State relating to the regulation, sale or transportation of intoxicating liquors, and providing for the reinstatement of such license, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CONNER, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 36, A bill to be entitled "An Act to amend Sections 2, 8, 9 and 12 of 'An Act to authorize and empower Kaufman county, or any political subdivision of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 46, A bill to be entitled "An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following

Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and declaring an emergency,"

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 54, A bill to be entitled "An Act to validate certain settlement on and purchase of public free school land, and declaring an emergency,"

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 56, A bill to be entitled "An Act to change and prescribe the time for holding district court in the Thirty-eighth Judicial District of Texas, and to repeal all laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Bill No. 12, "An Act to amend Chapter 132 of the Acts of the Thirty-third Legislature, entitled 'An Act to provide for indeterminate sentences of persons convicted of certain crimes; for the termination of such sentences and the release of such persons on parole; providing for exemption from the operation of the law in certain cases and repealing all laws in conflict herewith, and declaring an emergency.'"

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1 of said act, Chapter 132 of the Acts of the Regular



Session of the Thirty-third Legislature, be so amended as to hereafter read as follows:

Section 1. That whenever any person seventeen years of age or over shall be on trial for any felony, the jury trying said cause shall not only ascertain whether or not said person is guilty of the offense charged in the indictment, but shall also in the verdict assess the punishment or penalty within the period of time fixed by law as the maximum and minimum penalty for such offense, provided, if the jury shall assess the punishment for such offense at a longer period of time than the minimum period of imprisonment in the penitentiary for such offense, then the judge presiding in such cause, in passing sentence on such person, instead of pronouncing a definite time of imprisonment in the penitentiary on such person so convicted, he shall pronounce upon such person an indeterminate sentence of imprisonment in the penitentiary, fixing in such sentence the minimum and maximum terms thereof, fixing in said sentence as the minimum time of imprisonment in the penitentiary the time now or hereafter prescribed by law as the minimum time of imprisonment in the penitentiary, and as the maximum time of such imprisonment, the term fixed by the jury in their verdict as punishment for such offense; provided that if the punishment assessed by the jury shall be by pecuniary fine only, or imprisonment in the county jail, or both fine and imprisonment in the county jail, then the provisions of this act shall not apply.

Sec. 2. Meritorious prisoners who are now or may hereafter be in prison under a sentence to penal servitude may be allowed to go upon parole, outside of the buildings and jurisdiction of the penitentiary authorities subject to the provisions of this act, and to such regulations and conditions as may be made by the Board of Prison Commissioners, with the approval of the Governor of this State, and such parole shall be made only by the Governor, or with his approval.

Sec. 3. While on such parole such prisoners shall remain under the control of the Board of Prison Commissioners and subject at any time to be taken back within the physical possession and control of the said Board of Prison Commissioners as under the original sentence, but such retaking shall be at the direction of the Governor, and all orders and warrants issued by said Board of Prison Commissioners under such authority for the retaking of such pris-

oners shall be sufficient warrants for all officers named therein to return to actual custody and parole convicts, and it is hereby made the duty of all officers to execute such orders as ordinary criminal processes.

Sec. 4. The wardens or sergeants or guards of such prisoners, or who have in custody convicts subject to parole under this act, shall cause to be kept at such prison or place of confinement at which such convicts are confined an accurate record of each prisoner therein confined upon sentence, as aforesaid, which record shall include a biographical sketch covering such items as may indicate the cause of the criminal character or conduct of the prisoner, and also a record of the demeanor, education and labor of the prisoner while confined thereat, and whenever such prisoner is transferred from one prison or place of confinement to another a copy of such record or an abstract of the substance thereof, together with certified copy of the sentence of such prisoner shall be transmitted with such prisoner to the prison or place of confinement to which he shall be transferred and delivered to the prison officer in charge thereof and retained by him as a part of the record of such prisoner.

Sec. 5. It shall be the duty of the wardens of such prisoners to make or cause to be made to the Board of Prison Commissioners a written report based upon the record of such prisoner as to whether or not such prisoner shall be paroled or pardoned, and such report shall be made with reference to each prisoner in charge of such warden, and shall give the reasons for such recommendations as are made, and if no recommendations are made the report shall so state, such reports to be made semi-annually.

Sec. 6. It shall be the duty of the Board of Prison Commissioners to receive and preserve said reports and recommendations provided for in this act, and to consider the same and to approve or disapprove the same within three months after the same are received and to transmit a report of such recommendations for parole or pardon as they approve to the Governor of this State without delay.

Sec. 7. Whenever any prisoner serving an indeterminate sentence, as provided in Section 1 of this act shall have served for twelve months, on parole, in a manner acceptable to the Board of Prison Commissioners, the said board shall certify such fact to the Governor, with the recommendation that the said prisoner



be pardoned and finally discharged from the sentence under which he is serving. But it shall be the duty of the Prison Commission to continue its supervision and care over such paroled prisoner until such time as the Governor shall pardon and finally discharge from custody the said prisoner; provided, that in no case shall any prisoner be held for a longer term than the maximum provided by the sentence for the crime of which the said prisoner was convicted.

Sec. 8. When a convict who has been paroled shall have complied with the rules and conditions governing his parole until the end of the term to which he was sentenced, and without a revocation of his parole, he shall, upon a written or printed discharge from the superintendent and Prison Commissioners, setting forth these facts, be recommended by the board to the Governor for restoration of his citizenship by the Governor of the State of Texas.

Sec. 9. If a prisoner, sentenced to the penitentiary, shall not be paroled under the provisions of this act, or if he shall only be sentenced to serve the minimum term of imprisonment fixed by law, then Article 6217 of the Revised Civil Statutes of Texas shall apply to his sentence, and he shall be entitled to such commutation or reduction of time as in said article provided under the conditions therein named.

Sec. 10. No provision of this law shall in any manner be held to in anywise repeal, limit or affect in any manner the provisions of Chapter seven (7) of the Acts of the Thirty-third Legislature providing for suspension of sentence in certain cases, and the provisions of said Chapter 7 of the Acts of the Thirty-third Legislature shall apply to the trial of all cases under the conditions therein stipulated, and not specifically exempted from the operation thereof by the terms of said law.

Sec. 11. The fact that there is now no adequate law providing for indeterminate sentences, and that by reason thereof professional criminals are being released daily who show no evidence of reform, and that persons who give every evidence of complete reform are being held in the penitentiary long after their reformation is evident, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted."

And find it correctly enrolled, and have this day, at 10:30 o'clock a. m.,

presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes. President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 5, Providing for the appointment of a State Commission to raise the funds, assemble, prepare, install and maintain an exhibit of the resources of the State of Texas at the Panama Pacific International Exposition at San Francisco, 1915:

Whereas, There is in course of preparation at San Francisco a great international exposition in celebration of the completion of the Panama Canal, in which exposition the States of the Union and the nations of the world are invited by the national government to participate; and,

Whereas, It is desirable that the State of Texas should be fully and adequately represented at said exposition; therefore be it

Resolved by the Senate, the House of Representatives concurring, That the Governor be authorized to name a commission of representative citizens, consisting of three men and two women, to be known as the Panama Pacific International Exposition Commission of Texas, which said commission shall have full charge of the matter of raising the funds, preparing, installing and maintaining the exhibits from the State of Texas at the Panama Exposition at San Francisco, and to do such things and perform such functions as usually pertain to such enterprises, the Governor to name one of said commissioners to be chief commissioner, and the said commission to make its own rules and regulations, fix all salaries, etc.; be it further

Resolved, That the people of Texas be requested to give their aid and co-operation, and the several departments of the State government be authorized to lend such aid and assistance as may be possible, under existing laws: be it further

Resolved, That a full and final report of all moneys raised and how expended shall be made to the Governor at the close of the labors of said commission; provided, that in no case shall the State of Texas be liable for any debts, obligations or expenses connected with said commission or its participation in the

Panama Pacific International Exposition at San Francisco.

And find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

#### REPORT OF COMMITTEE ON PRIVILEGES AND ELECTIONS.

The following is printed here by order of the Senate:

#### IN RE CONTEST OF C. A. WHEELER VS. A. C. OLIVER, BEFORE THE SENATE OF TEXAS ON AUGUST 12, 1913.

The petition of contestant, C. A. Wheeler, was read to the Committee on Privileges and Elections. Upon the reading of said petition contestant stated to the committee that he eliminated therefrom Subdivisions (b) and (c), in paragraph 3 of the petition. Contestant also read to the committee his supplementary statement of ground of contest filed in this suit.

Contestee presented reply to the petition of the contestant and the supplementary reply to the supplementary petition filed by the contestant, also the certificate of election issued by the Secretary of State of the State of Texas on August 6, 1913, certifying that A. C. Oliver was duly elected and accredited Senator from the First Senatorial District of Texas.

The contestant offered in evidence a certificate from Hon. F. C. Weinert, Secretary of State of the State of Texas, dated August 6, 1913, certifying that Lee Tidwell, county judge of Bowie county, Texas, had certified to that department the returns of the special election held on July 19, 1913, throughout the First Senatorial District of Texas for the election of a Senator from that District, showing that A. C. Oliver received 1707 votes, C. A. Wheeler 1683 votes and L. H. Henry received 1198 votes for Senator from the First Senatorial District.

The above named instruments, to wit, notice of contest, petition and supplementary petition, reply and supplementary reply of contestee, and certificate of election of A. C. Oliver by Secretary of State, which are hereto attached marked Exhibits "A," "B," "C," "D," "E" and "F," respectively.

Contestant offered first witness, B. B. Webster.

B. B. Webster, being first duly sworn, testified as follows' (examination by at torney for contestant):

Question—Your name is B. B. Webster?

Answer—Yes, sir.

Q.—Where do you live?

A.—In Cass county, at Douglasville, Texas.

Q.—Were you one of the judges of the election held at Douglasville, in Cass county, Texas, on the 19th day of July, 1913?

A.—Yes, sir.

Q.—Do you remember who was the other judge of that election?

A.—There was Mr. McWhorter; he was manager, and myself and Mr. Granberry were clerks, and then there was Mr. R. H. Williams. There were four of us; Mr. Granberry kept the poll list and I kept the ballot box.

Q.—Were you present as one of the officers conducting that election at Douglasville box throughout the entire day while the election was being carried on?

A.—Yes, sir.

Q.—Were the officers and managers of that election sworn at any time during that day?

A.—Yes, sir.

Q.—When, with reference to the opening at the polls at the Douglasville box, were the judges, managers and officers of that election sworn in?

A.—In the afternoon.

Q.—Do you remember how many votes had been cast at that box before the judges and managers of the election and the other election officers were sworn?

A.—I do not know just how many there were; there were a good many, but I cannot say exactly.

Q.—Can you name any circumstance that will enable us to ascertain how many votes had been cast at the time those officers were sworn in as officers of the election?

A.—Not to my own knowledge. Nothing that I can think of now.

Q.—Do you remember any man who voted immediately after you were sworn in?

A.—No, not any man in particular. I don't know that I can say.

Q.—Did the managers and judges of the election take refreshments at noon in the room where the election was being held?

A.—No, sir.

Q.—Where did they go for their refreshments at the noon hour?

A.—Two of us went to the hotel—I went to the hotel and the others live at

the place and they went home, who live there in town.

Q.—What was done with the ballot boxes while you gentlemen went off for refreshments?

A.—It was left on the table that we used in the room.

Q.—In the room where the election was being held?

A.—Yes, sir. The election was held in a room used for a warehouse by Morris & King.

Q.—Was the door locked when you went off?

A.—Yes, sir.

Q.—Who locked that door?

A.—I did, I think; I am not sure, but I believe I locked it myself.

Q.—Your recollection is that you were the one who locked the door?

A.—Yes, sir.

Q.—What was done with the key until you returned?

A.—Well, I work at the store of Morris & King, and I lock the door when I leave. I locked the door of the room and carried the key and hung it up where it usually hangs in the store.

Q.—Was that a public place which was open during the day?

A.—Yes, sir.

Q.—Was that key hung in the store building while you went off?

A.—Yes, sir.

Q.—When you returned from your refreshments was that when you took the oath of office as managers of the election?

A.—It was in the afternoon; I don't know exactly what time; I cannot say about that.

Q.—It was after you had gone off and left that key hanging in the store?

A.—Yes, sir.

Q.—You say that Mr. McWhorter was manager of that election?

A.—Yes, sir.

Q.—Do you know whether or not he signed the ballots which were signed in that polling place? If they were signed?

A.—No, he did not sign them.

Q.—You saw the ballots as they were deposited, and then you saw them when they were taken out and counted? Were they signed by anyone?

A.—No, sir; they were not signed by anyone.

Q.—Did Mr. R. B. McWhorter make up in person the returns of that election and sign them officially—make the returns to any of the returning officers of that county—the county judge of that county?

A.—No, he did not do it himself.

Q.—Who signed, if anyone signed his name to those returns?

A.—Well, I signed them. After I got them, I think I suggested that I just sign the judge's name. I asked him, and he said, "All right; just sign my name to them."

Q.—At the time you signed them, was he present?

A.—No, sir.

Q.—Where is Mr. McWhorter now?

A.—I think he is here.

Cross-examination by attorney for contestee:

Q.—Mr. Webster, when you went to dinner and left the boxes in the place where you had been holding the election, you locked the door; now when you went back did you unlock the door?

A.—I believe I did, but I am not certain about that. I think I was the first one to come back from dinner.

Q.—Did you find that the box or poll lists or anything there used by you in said election had been tampered with in your absence?

A.—No, sir.

Q.—Were they tampered with in any way?

A.—No, sir.

Q.—The ballots that were cast were canvassed and counted; were they not?

A.—Yes, sir.

Q.—You conducted that election fairly and honestly in the very best of your information as to how it should have been conducted? As honestly and fairly as sworn officers of election?

A.—Yes, sir.

Q.—Who conducted this election?

A.—Mr. McWhorter was manager, but he was away—he had left word that his mother or some relative was dangerously ill.

Q.—Was the election conducted by you the same as if you had been under oath, conducting it honestly and fairly, conducting it in every particular as to complying with the principles of the law? Were the ballots cast and counted and returned?

A.—Yes, sir.

Q.—You were an adherent of the contestant in that race, were you not?

A.—Yes, sir.

Q.—You had no purpose of any sort in refraining from calling attention to the work that was done? Were the ballots that were cast at Douglasville box in this election counted as they were cast correctly?

A.—Yes, sir.

Q.—And the returns show that the ballots as they were cast for the re-

spective candidates were credited to these candidates?

Q.—Was the place where you placed the key when you went off accessible to the public?

A.—It was inside of the store.

Q.—Anybody could have gotten it?

A.—Yes, anybody could have gotten it, but we had other keys there—crib keys and other things like that.

Q.—It was in the office of the store?

A.—No, it was not in the office. It was in the store to the right of the door; at the place where I kept the keys all the time. Nobody would have been likely to have gotten those keys, but they could have done so.

Q.—Did you have poll lists furnished you by the proper authorities of the qualified voters of that box?

A.—No, sir.

Senator Willacy:

Question—Were the ballots numbered, Mr. Webster? Was each and every ballot properly numbered?

Answer—Yes, sir; I think they were.

Q.—Was the store open during the time you went to dinner?

A.—I will tell you about that. I take my meals at the hotel. There was three of us who stayed in the store who have keys—Mr. Morriss, myself and Mr. Brabbahm. They both live close to the store; they keep houses themselves, and I take by meals at the hotel. I do not know whether they locked the door of the store or not. I do not know who got back first. Usually I get back first and unlock the store. I do not know whether they locked it that time or not. It is usual at the noon hour for it to be locked; the last one out usually locks the door, and the one who gets back first unlocks the door. They both live a little closer to the store, but they both have families and they take more time at home than I do. I never stay at the hotel, and I get back to the store before they do.

Q.—Were Mr. Morriss and Mr. Brabbahm in the store?

A.—I do not know whether they were there or not. When we closed at dinner we just hung the key in its regular place and came back when we had dinner.

Q.—Do you know whom Mr. King supported?

A.—He voted for Mr. Wheeler.

Q.—Whom did Mr. Morris support? Did he vote for Mr. Wheeler?

A.—No, sir; he voted for Dr. Oliver.  
Senator Brelsford:

Question—Which of the election judges voted for Dr. Oliver?

Answer—Three of us voted for Wheeler and one for Oliver, so I understood it, but I could not swear to that.

Q.—You stated that when you went back to the polling place you found the status of the poll lists and ballots just as you had left them—they had not been disturbed or interfered with in any way?

A.—No, sir.

Q.—Will you state the total vote cast at that election for Senator from the First District?

A.—Oliver 118, Wheeler 18, and Henry 2; total 138.

Senator Lattimore:

Question—Mr. McWhorter was presiding judge, was he not?

Answer—Yes, sir.

Q.—You say nobody signed those ballots?

A.—No, sir; they were not signed.

Q.—No presiding judge wrote his name on the ballots?

A.—No, sir.

Senator Townsend:

Question—Did any of the voters present poll tax receipts? What percentage of them presented receipts?

A.—Some of them did not. A good many of them, but I do not know just what per cent did not present receipts.

Q.—Why did you not swear these?

A.—Some of them were perfectly responsible men.

Q.—Did you swear negroes?

A.—No, they did not swear the negroes—not all of them.

Q.—As a matter of fact you know all the voters at your precinct? They know every man of them and you know that they were qualified voters?

A.—I do not know about all of them.

Q.—How about those you would question?

A.—I do not know that I understand your question.

Senator Nugent:

Question—I believe you stated that Mr. Brabbahm, as you understood it, voted for Mr. Wheeler?

Answer—I think so.

Q.—Is it not true that Mr. Brabbahm lives very close to the warehouse?

A.—Yes, sir.

Q.—Do you not think that if he lived right close he would have been in position in all probability to have seen anybody that would have gone in and tampered with anything left there: and he was a Wheeler man, as I understand it?

A.—Yes. I understand he was a Wheeler man. I suppose he could have seen anyone who went in the warehouse. I don't know.

W. R. Warren, being first duly sworn, testified:

Examination by counsel for contestant:

Question—What is your name?

Answer—W. R. Warren.

Q.—Where do you live?

A.—In Douglasville, Cass county, Texas.

Q.—Did you vote at the election held at Douglasville, in Cass county, on the 19th day of July, 1913, for the purpose of electing a Senator from that district?

A.—I did.

Q.—What time of day did you vote at that election?

A.—It was some time in the afternoon. I do not know exactly what hour.

Q.—Were you present when the judges and clerks of that election took the oath of office?

A.—Yes, sir.

Q.—With reference to the time that they took the oath of office when did you vote, before or after?

A.—I voted before.

Q.—What time elapsed after you voted before they were sworn in? I understand that they swore them in immediately after you voted?

A.—Yes, sir.

Senator Willacy:

Question—You voted as you desired to vote, and in the way you wished?

Answer—Yes, sir.

The next witness called was L. L. Harper, county clerk of Cass county, he having charge of the ballot boxes, tally sheets and poll lists used at Douglasville during said election. After some discussion it was agreed by counsel for both sides that it was not necessary to bring voting boxes before the committee, a written agreement having been entered into by said counsel in regard to voting precincts involved in this contest, a copy of which agreement is hereto attached and marked Exhibit "G" for identification.

L. L. Harper, being first duly sworn, testified as follows:

Examination by counsel for contestant:

Question—Your name is L. L. Harper?

Answer—Yes, sir.

Q.—You are the county clerk of Cass county, are you not?

A.—Yes, sir.

Q.—This paper that I hand you

(handing paper to witness), what is this?

A.—It is the return on the poll list for the special election at Douglasville on July 19, 1913.

Q.—I wish you would see if you can read the name, W. R. Warren, appears to have voted on that.

A.—Yes, sir.

Q.—What is the number of his vote?

A.—No. 99.

Senator Morrow:

Question—Is there any indication that that poll list has been tampered with?

Answer—No, sir; there is not; I will swear that it has not been since it has been in my possession.

Q.—When you received the poll list was there any indication that it had been tampered with? Did you notice anything to create suspicion?

A.—No, sir.

Q.—Has any assertion been made by anyone that either of the men on that poll list were other than the names of some voter who had gone to the voting box to cast his vote?

A.—Do you mean before or at the time that I received this return?

Q.—At the time or since that time have you heard anything—any report that there was any name on that list of any men who had not gone to that box and cast his vote?

A.—It seems like I have, but I don't know of my own knowledge; I heard a lot of talk at the time, but I do not know anything about that.

Q.—I mean the names that are on that list of men who did not vote?

A.—No, sir; at no time. That list only includes the names of those voters who went to the box and voted according to the facilities that were provided.

Senator Westbrook:

Question—With reference to the election boxes, were all those boxes metal boxes as required by law, or were any of them shoe boxes or something of that kind?

Answer—Yes, sir.

On motion of Senator Willacy, the committee adjourned to meet again at 2 p. m.

Committee on Privileges and Elections met at 2 p. m., pursuant to adjournment.

Present: Astin, Bailey of Harris, Bailey of DeWitt, Brelsford, Carter, Clark, Collins, Conner, Cowell, Darwin, Gibson, Greer, Harley, Hudspeth, Johnson, Lattimore, McGregor, McNealus, Morrow, Nugent, Real, Taylor, Terrell,



Townsend, Warren, Watson, Westbrook, Wiley and Willacy.

It was agreed by contestant that no more witnesses would be called, and that the votes cast and counted for contestant and contestee in the boxes contested are as given in the agreement hereto attached, marked Exhibit "G."

#### EXHIBIT "A."

##### SIMPLE RESOLUTION.

Whereas, Hon. C. A. Wheeler of Texarkana, Texas, has filed a contest with this body contesting the election of the Hon. A. C. Oliver as Senator from the First Senatorial District of Texas, and as a basis for said contest alleges matters of serious irregularity in said election, of such a nature demanding an immediate investigation by this body; and

Whereas, It is the sense of this body that justice be meted out to the parties and that such person be seated who may have been elected by the qualified voters of said First Senatorial District of Texas: therefore, be it

Resolved by the Senate, That the notice and statement of contest by the Hon. C. A. Wheeler and the other papers pertaining thereto be referred at once to the Committee on Privileges and Elections of the Senate, and that said committee proceed without delay to fix a time for the hearing of said contest, and, after due notice to the parties thereto, investigate the issues between said parties, hearing all the legal evidence that may be presented to said committee and at the earliest practicable date report their conclusions of law and fact in respect to said case to this body, accompanied by all the papers in the case and the evidence taken therein, with such recommendation as may to them seem proper, to the end that the Senate may act upon this contest at the very earliest practicable date possible.

LATTIMORE,  
BRELSFORD,  
JOHNSON,  
COWELL,  
GIBSON,  
CONNER.  
TOWNSEND,  
WESTBROOK,  
DARWIN,  
WILEY,  
TAYLOR,  
GREER.  
WARREN.  
McNEALUS.  
COLLINS.

#### EXHIBIT "B."

Austin, Texas, August 4, 1913.

To Hon. A. C. Oliver:

You will please take notice that it is my intention and purpose to and that I shall contest your right to the office of Senator from the First Senatorial District of the State of Texas, it being my contention that you were not legally elected and have not been legally elected to said office at the election held throughout said District on July 19, 1913, but that I was, at said election, legally elected to the office of Senator from the First Senatorial District of Texas.

I herewith hand you a copy of my original petition, upon which I base my contest and upon which I shall offer evidence.

Respectfully,

C. A. WHEELER.

I hereby certify that on the 4th day of August, A. D. 1913, I delivered to A. C. Oliver in person in the city of Austin, Travis county, Texas, a true copy of the above and foregoing notice, together with a true copy of the petition mentioned in said notice.

C. A. WHEELER.

#### IN RE CONTEST OF THE ELECTION OF A. C. OLIVER AS SENATOR FROM THE FIRST SENATORIAL DISTRICT OF TEXAS.

To the Honorable, the Senate of Texas:

Your petitioner, C. A. Wheeler, appears herein for the purpose of contesting before this Honorable Body the election of A. C. Oliver as Senator from the First Senatorial District of Texas, and as his grounds for said contest doth allege and is prepared to prove the following:

1. Your petitioner and the said A. C. Oliver and Lewie H. Henry, Esq., were candidates in a special election called by the Governor of Texas to be held in the various voting places in the First Senatorial District of Texas on the 19th day of July, 1913, to fill the vacancy occasioned by the resignation of Horace W. Vaughan from this Body. Said election was called, and under the law should have been conducted in accordance with the election laws of the State of Texas, and your petitioner was entitled to have his candidacy tested and decided in accordance with the terms and provisions of said laws.

2. Among the voting places in said district is Douglasville, in the county of

Cass, said town being the home of A. C. Oliver, contestee herein. There were 138 votes polled at said box during the said election, of which number 118 were counted by the judges for the contestee herein and 18 for your petitioner and 2 for Lewie H. Henry. With the exception of the said box, your petitioner in said district received 1667 votes and contestee herein received 1591 votes and Lewie H. Henry received 1187 votes. Your petitioner, therefore, unless defeated by the votes cast in the said Douglasville box, received a majority of the legal votes cast in said election, and has been duly and legally elected to the office of Senator from said district.

3. Your petitioner shows that R. B. McWhorter was the presiding judge and B. B. Webster and ..... were the other judges at said box; that the votes cast in the said Douglasville box were not legal votes and none of same should be counted under the law either for or against any of the candidates in said election, because:

(a) Neither the said presiding judge nor any of the other judges before opening the polls or at any time thereafter until 80 votes had been received and cast took the oath of affirmation as officers of election and as provided by law. Your petitioner is unable to give the names of the voters who cast the first 80 votes counted or for whom they were voted, for want of knowledge, but he avers the facts to be that the votes cast in said box numbered 1 to 80, inclusive, were cast at a time before the judges had taken the oath of office and when, under the law, they had no right to receive or count them.

(d) The said officers of the election and each of them at the noon hour on the said election day, to wit, July 19, 1913, left the voting place, the box containing the ballots that had been cast, the unused ballots, and the entire equipment and supplies and paraphernalia of the election in the room where said election was held for a period of one hour or more, locking the door to same, during which they partook of refreshments. Said refreshments were taken during the hours provided by law for voting and before the canvass of the votes had been taken, but they were not taken at the said poll place and were not taken in view of the ballot box, but they were taken at remote and distant places out of the view and entirely removed from said box and voting place; nor did the said judges partake of refreshments at the same place, but repaired to their

several homes and assembled at a later time and reopened the voting place.

(e) When the ballots thus cast had been counted, the managers of the said election did not in person make out triplicate returns of the same and certify them to be correct and sign them officially in the manner provided by law. The presiding judge at said box did not sign said return at all, but gave B. B. Webster, one of the judges, authority to sign his name, and the signature that appears upon said returns on which the certificate of contestee's election was issued is not the genuine signature of R. B. McWhorter, but was signed by B. B. Webster at the request and instance of the said R. B. McWhorter during his absence.

(f) None of the ballots cast and counted in said voting box were signed by the presiding judge thereof, nor were they, as petitioner is informed and believes, numbered. He makes the charge upon information and belief as to the numbering of said ballots, but alleges the fact to be that not one of the ballots used in said election at said box bore the signature of the presiding judge, R. B. McWhorter, and that all of the ballots so cast despite the fact that they were not signed as provided by law and despite the fact that the law expressly provides that the judges shall count no ballots which do not bear the signature of the presiding judge or which are unnumbered, all of said ballots were counted with the result that 118 of same were counted as aforesaid in favor of contestee herein and 18 in favor of your petitioner.

4. Your petitioner shows that for the reasons mentioned in the preceding paragraph all of the ballots cast in the said Douglasville box were illegal and unlawful votes and should not have been counted for any of said candidates. That except for such unlawful and illegal votes, your petitioner has a majority of the votes cast by the qualified voters of the First Senatorial District of Texas, and under the law is entitled to a seat in this body and all the privileges and emoluments and benefits of the said office.

5. He therefore files this his contest before this honorable body, attaching hereto the certificate of Hon. Lee Tidwell, county judge of Bowie county, Texas, showing that the 4th day of August, 1913, is the return day of the said election; that is to say, the day on which the votes in said election were

counted, that a certificate of election was issued to contestee herein upon said date. Your petitioner also attaches a copy of a notice of this contest served upon the contestee herein on the — day of August, 1913, showing your petitioner's purpose and intention to contest the election herein referred to, which notice was delivered to contestee in person.

6. Wherefore, your petitioner prays that this honorable body hear this contest in the manner provided by law, and that he be declared entitled to a seat in this honorable body as Senator from the First Senatorial District of Texas, and be declared duly and legally elected as such.

C. A. WHEELER,  
Contestant.

I, C. A. Wheeler, contestant named in the above and foregoing petition, state upon my oath, that the facts alleged in said petition are true to the best of my knowledge and belief.

C. A. WHEELER.

Sworn to and subscribed before me this the 4th day of August, A. D. 1913.

(Seal) O. W. HARDY,  
Notary Public in and for Travis County,  
Texas.

#### EXHIBIT "C."

In the Senate of the State of Texas.

C. A. Wheeler, Contestant, vs. A. C. Oliver, Contestee.

Now comes the contestant in the above entitled cause and files this his supplemental statement to his original statement of contest heretofore filed, and as additional reasons why his contest should be sustained alleges and shows to the Senate as follows:

That among other voting boxes or precincts in Cass county at which elections were held on July 19, 1913, for the purpose of electing a Senator from the First Senatorial District of Texas, were the following voting boxes cast: Galloway, Cusseta, Bloomburg, Atlanta and Cass.

That at said election held in the above mentioned voting boxes this contestant and the contestee received votes as follows:

At Galloway: Contestant, 19; contestee, 30.

At Bloomburg: Contestant, 16; contestee, 21.

At Cass: Contestant, 4; contestee, 23.

At Atlanta: Contestant, 115; contestee, 132.

At Cusseta: Contestant, 19; contestee, 30.

That at all of the voting boxes above named, all of the votes cast were void and illegal and should not be counted for either the contestant or the contestee because at said Galloway box the judge of the election failed and neglected to, and did not number the ballots voted at said box as is required by law, and at each and all of the other voting boxes above mentioned, the judge of the election engaged in holding the same, failed to sign his name upon the ballots cast as is required by law.

That if the ballots cast of the above voting boxes be rejected and not counted in estimating the result of said election throughout said district, this contestant's majority of the legal votes cast at said election in said district will be greatly increased over and above that stated in his original statement of contest filed herein.

Wherefore, contestant prays that the above illegal ballots be rejected and not counted in estimating the result of said election in said district, and also prays as in his original statement of contest filed herein.

C. A. WHEELER,  
Contestant.

Sworn to and subscribed before me this the 12th day of August, A. D. 1913.

(Seal) A. B. CATES,  
Notary Public, Travis County, Texas.

#### EXHIBIT "D."

IN RE CONTEST OF C. A. WHEELER  
OF THE ELECTION OF A. C.  
OLIVER AS SENATOR FROM  
THE FIRST SENATORIAL  
DISTRICT OF TEXAS.

To the Honorable, the Senate of Texas:

Now comes A. C. Oliver, contestee herein, and for reply to the notice of and petition contesting his election as the Senator from the First Senatorial District of Texas at the election held therefor on July 19, 1913, filed herein by C. A. Wheeler, contestant:

(1)

Contestee demurs to Subdivision (a) of paragraph 3 of contestant's petition herein, and says same is wholly insufficient in law to require answer or proof, and furnishes no ground or reason in law why such votes should not be counted as legal ballots; whereof he prays judgment.

(2)

Contestee demurs to Subdivision (d) of paragraph 3 of contestant's petition herein, and says that same is wholly insufficient in law to require an answer or proof, and set forth no facts in law authorizing a refusal to count such votes as legal ballots; whereof he prays judgment.

(3)

Contestee demurs to Subdivision (e) of paragraph 3 of contestant's petition herein, and says same is wholly insufficient at law to require answer or proof, and sets forth no reasons in law why such votes should not be counted as legal ballots; whereof he prays judgment.

And for answer, if required to answer, contestee denies all and singular the allegations in said petition of contestant and demands strict proof.

And further answering herein contestee says that at the election duly ordered and held on July 19, 1913, in the several counties composing the First Senatorial District of Texas for the election of Senator from said district there were three candidates for said office, to-wit: L. H. Henry, C. A. Wheeler and this contestee, A. C. Oliver, each of whom received in the several counties composing the said Senatorial District the following votes:

In Bowie county—

L. H. Henry.....	—	votes
C. A. Wheeler.....	—	votes
A. C. Oliver.....	—	votes

In Cass county—

L. H. Henry.....	—	votes
C. A. Wheeler.....	—	votes
A. C. Oliver.....	—	votes

In Marion county—

L. H. Henry.....	—	votes
C. A. Wheeler.....	—	votes
A. C. Oliver.....	—	votes

In Morris county—

L. H. Henry.....	—	votes
C. A. Wheeler.....	—	votes
A. C. Oliver.....	—	votes

giving to each of said candidates a total vote as follows:

L. H. Henry.....	1198 votes
C. A. Wheeler.....	1683 votes
A. C. Oliver.....	1707 votes

giving him a plurality of twenty-four (24) votes in said district at said election.

That thereafter in accordance with

law the returns of said election were duly made and canvassed and by the respective county judges of said district certified to Hon. Lee Tidwell, county judge of Bowie county, Texas, who duly canvassed the returns and certified the same to the Secretary of State on August 4, 1913, and in accordance therewith the Honorable Secretary of State on the 6th day of August, 1913, certified that your contestee having received the largest number of votes cast for any one candidate according to the returns made to his department is the duly elected and accredited Senator from the First Senatorial District, having received a majority of twenty-four (24) votes over the next highest candidate, which certificate is on file with this Honorable Body.

For further answer herein this contestee states that at said election held July 19, 1913, the duly appointed officers of the Douglasville voting box in Cass county organized and held said election and made returns thereof as provided by law. That said election was fairly held and thereat the legal voters residing in said voting precinct cast their ballots according to their choice and desires, and there was so far as contestee knows no illegal voting and no fraud, or illegal acts there on the part of the officers of said election or any candidate for Senator there voted for.

That the parties named in the petition of the contestant herein voting at said box are according to the information of this contestee legally qualified voters in said voting precinct, and had a right to vote thereat.

Further answering herein, contestee says that he has not sufficient information to say whether or not the acts complained of as to the officers of said election leaving the voting place and the ballots and supplies used at said election for the purpose of partaking of refreshments are true, but contestee says that if same was done same was not done fraudulently or for any illegal purpose, and that such action of the election officers, if same occurred, as alleged, did not prevent any legal voter residing in said precinct from casting his ballot at said election.

Contestee further answering says that the ballots cast at said voting box in Douglasville were certified by the managers and officers of said box, and the same was duly returned, counted and canvassed by the commissioners court of Cass county, Texas, in accordance with law. That contestee has no means of knowing whether or not said ballots were

numbered or whether or not the presiding judge of said election wrote his name upon said ballots as provided by law, but says that the officers of said election counted and returned 138 legal votes as being cast at said election, of which 118 were cast and counted for this contestee, 18 votes for contestant, C. A. Wheeler, and 2 votes for L. H. Henry. That said votes were honestly and fairly cast by legal voters in said voting precinct, and said election was honestly and fairly conducted, counted and returned by the officers and managers of said election at said box, and no fraud or dishonesty, or dishonest or fraudulent motives actuated the officers of said election at said voting box in the conduct thereof, and if any act or thing was omitted by them in the conduct of said election same was inadvertently done and without purpose or motive of in any way depriving voters of said election precinct of their lawful ballot or the candidates for Senator at said election of the legal ballots cast for them, respectively.

Wherefore contestee says that he has been duly and legally elected and accredited Senator from the First Senatorial District in the manner provided by law, and prays that he be declared entitled to a seat in this Honorable Body as Senator from the First Senatorial District of Texas, and be declared duly and legally elected as such, for costs hereof, etc.

A. C. OLIVER.  
Contestee.

I, A. C. Oliver, contestee named in the above and foregoing reply, state upon my oath that the facts alleged in said reply are true to the best of my knowledge and belief.

A. C. OLIVER.

Sworn to and subscribed before me,  
this 12th day of August, A. D. 1913.  
(Seal.) A. B. CATES,

Notary Public in and for Travis  
county, Texas.

I hereby certify that on the 12th day of August, A. D. 1913, I delivered to C. A. Wheeler in person in the city of Austin, Travis county, Texas, a true copy of the above and foregoing reply.

A. C. OLIVER,  
Contestee.

#### EXHIBIT "E."

In re Contest of C. A. Wheeler of the election of A. C. Oliver as Senator from the First Senatorial District of Texas:  
To the Honorable Senate of Texas:

Now comes the contestee, in the above

matter and in reply to the supplemental statement filed by contestant herein, says:

That in the following named boxes the votes returned by the election officers were numbered but not signed, namely:

Roach box, Marietta box, Cusseta box, Bryan's Mill box, Lanier box, Cass box, Bloomburg box, Atlanta box, and that at Galloway box the ballots returned by the officers of said box were not numbered but were signed by presiding officers.

That in Marion county the returns show as follows:

At Lodi box, where twenty (20) votes were cast, there was no signature of the presiding officer and no number on said ballots, and at Mims Chappel box, in said county, there were sixteen (16) votes cast, of which one ballot was numbered only, and the remaining ballots neither numbered or signed; at Kellyville the ballots cast and returned were numbered but were not signed by the presiding officer.

That at each and all of said boxes the elections were fairly and honestly held by the officers thereof and no frauds were perpetrated therein as to any candidacy, but the errors in marking and returning said ballots, if any, were the results of inadvertence and lack of information of the officers holding said election.

That contestee has not had time to examine the ballots and returns in Morris and Bowie counties, but alleges the fact to be that at each and every voting precinct in the several counties composing the First Senatorial District, the ballots of the legally qualified voters were honestly and legally cast and the same received, counted and returned and the election conducted by the managers of said voting boxes fairly and honestly and the returns thereof as certified to this honorable body should not be disturbed. That if said boxes are to be thrown out, then that all boxes and ballots and returns be examined, and if this is done contestee will be shown to have a plurality of legal votes over contestant.

A. C. OLIVER,  
Contestee.

#### EXHIBIT "F."

The State of Texas,  
Department of State.

I, F. C. Weinert, Secretary of State of the State of Texas, do hereby certify



that Judge Lee Tidwell, county judge of Bowie county, Texas, has certified to this department the returns of the special election held on July the 19th, 1913, in the First Senatorial District of the State of Texas to select a Senator from the First Senatorial District to succeed the Hon. Horace W. Vaughan, resigned. That the result of said election shows that Hon. A. C. Oliver received 1707 votes, Hon. C. A. Wheeler 1683 votes, and Hon. L. H. Henry 1198 votes: and I do hereby certify that Hon. A. C. Oliver, having received the largest number of votes cast for any one candidate, according to the returns made to this department, is the duly elected and accredited Senator from the First Senatorial District, having received a majority of twenty-four votes over the next highest candidate.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the seal of State at my office in the city of Austin, Texas, this the 6th day of August, A. D. 1913.

(Seal)

F. C. WEINERT,  
Secretary of State.

#### EXHIBIT "G."

In the Senate of Texas.

C. A. Wheeler, Contestant, vs. A. C. Oliver, Contestee.

It is agreed that votes were cast and counted for the contestant and contestee in the following voting boxes in Cass county at the election of July 19, 1913, as follows:

At Douglasville: Contestant, 18; contestee, 118.

At Cass: Contestant, 4; contestee, 23.

At Bloomburg: Contestant, 16; contestee, 21.

At Atlanta: Contestant, 115; contestee, 132.

At Cusseta: Contestant, 19; contestee, 30.

At Galloway: Contestant, 21; contestee, 25.

At Roch: Contestant, 22; contestee, 13.

At Marietta: Contestant, 19; contestee, 16.

At Lanier: Contestant, 37; contestee, 37.

At Bryan's Mill: Contestant, 43; contestee, 34.

At Douglasville box all of the ballots were numbered, but none of them were signed by the judge or manager of the election.

That at the Galloway box all of the ballots were signed by the judge, but none of them were numbered.

That at the Cass, Atlanta, Cusseta, Bloomburg, Roach, Marietta, Lanier and Bryan's Mill boxes the ballots were properly numbered, but were not signed by the judge.

W. S. THOMAS,

Attorney for Contestant.

ROLLIN W. ROGERS,

Attorney for Contestee.

#### TWENTY-FIFTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, August 19, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Lattimore.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Terrell.

(See Appendix for standing committee reports.)

Morning call concluded.

#### EXECUTIVE SESSION POSTPONED.

Action recurred on the pending motion for the postponing of the holding of the executive session until 2:30 o'clock today, which motion was adopted.

#### MOTION TO RECALL HOUSE BILL NO. 9 FROM HOUSE.

Action recurred on the pending business, motion by Senator Hudspeth to re-

call House bill No. 9 from the House for correction and further consideration.

Senator Townsend moved to table the motion, which motion to table was lost by the following vote:

Yeas—13.

Carter.	Lattimore.
Clark.	Morrow.
Collins.	Taylor.
Darwin.	Townsend.
Greer.	Westbrook.
Harley.	Wiley.
Johnson.	

Nays—15.

Astin.	McNealus.
Bailey of De Witt.	Nugent.
Bailey of Harris.	Oliver.
Brelsford.	Real.
Gibson.	Terrell.
Hall.	Watson.
Hudspeth.	Willacy.
McGregor.	

Present—Not Voting.

Warren.

Absent.

Conner.

Cowell.

Senator Lattimore made the point of order that a motion to recall a bill should be accompanied by a motion that the Senate had rescinded its action on the passage of the bill.

The Chair overruled the point of order.

Senator Hudspeth moved the previous question on the motion, which, being duly seconded, was so ordered.

The motion to recall House bill No. 9 was adopted by the following vote:

Yeas—15.

Astin.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Nugent.
Gibson.	Oliver.
Hall.	Terrell.
Harley.	Watson.
Hudspeth.	Willacy.

Nays—13.

Carter.	Morrow.
Clark.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Westbrook.
Johnson.	Wiley.
Lattimore.	

Absent.

Conner.

PAIRED.

Senator Collins (present), who would vote "nay," with Senator Bailey of De Witt (absent), who would vote "yea."

Senator Hudspeth moved to reconsider the vote by which the motion was adopted and lay the motion on the table.

The motion to table prevailed.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 53, A bill to be entitled "An Act to create a special district court for El Paso county, Texas, to be known as the Special District Court of El Paso county; to prescribe its jurisdiction; to limits its existence; to fix its terms; to conform all writs and process of said court to the district court of said county and to such changes as are made in the jurisdiction of said court by this act; to empower the judge of a said special district court and the judges of the Thirty-fourth Judicial District Court and the Forty-first Judicial District Court of Texas to transfer cases from their respective courts to this court; to provide for appointment of a judge for said special district court; to fix his salary and term of office, and declaring an emergency."

Senate bill No. 57, A bill to be entitled "An Act creating the Gonzales Independent School District in Gonzales county, Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the city of Gonzales of the control of its public free schools, and the title of all property now held and used for public school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws, and declaring an emergency."

Senate bill No. 21, A bill to be entitled "An Act adding to and making a part of the Memphis Independent School District of Hall county, Texas, certain lands and territory adjoining thereto situate in Hall county, and adding thereto and making a part thereof certain lands and territory adjoining

thereto situate in the county of Collingsworth, all for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territory and the inhabitants thereof; requiring such board of trustees to levy, assess, collect and pay into the treasury annually a proportional part of a certain tax fund existing on part of said territory, and declaring an emergency," with amendments.

House bill No. 89, road law for Hopkins county.

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower San Patricio county or any political subdivision or any defined district now or hereafter to be described and defined, of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision, or any defined district now or hereafter to be described and defined, thereof, voting thereon to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision or any defined district now or hereafter to be described and defined, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining, and operating macadamized, graveled or paved roads, and declaring an emergency."

Senate bill No. 48, A bill to be entitled "An Act to amend Section 2, Chapter 67, Local and Special Laws of the Acts of the Thirty-second Legislature of the State of Texas, creating a special road law for Mason county, Texas, so as to provide that hands employed to work on the public roads shall be paid not more than \$1.50 per day, and that not more than \$3 per day shall be paid for a team and driver, and further so as to provide that the superintendent of roads and bridges shall have charge of all public roads and bridges and supervise all work done thereon, but that the county commissioners shall inspect the roads within their respective precincts once each month, and shall receive as compensation therefor \$3 per day for the time actually employed in the discharge of such duty, provided that no commissioner shall receive pay for more than three days in any one month, and providing for an emergency."

Senate bill No. 28, road law for Dallas county.

House bill No. 95, road law for Montague county.

House bill No. 74, A bill to be entitled "An Act to amend Sections 7, 8, 23, 29, 36 and 61 of Chapter 118, General Laws, passed by the Regular Session of the Thirty-second Legislature, so that they shall hereafter read as follows, and adding thereto Sections 23a, 23b and 36a, said amended and added sections to change the present law in regard to the organization and operation of drainage districts so as to give said districts more authority in the conduct and management of the affairs of the districts, reducing the fees allowed the county judges and county treasurers for approving and selling the bonds and handling the funds of the district, requiring drainage commissioners to render more frequent and complete reports of their official acts, and declaring an emergency."

The House does not concur in Senate amendments to House bill No. 44, and requests a Free Conference Committee. The following members on the part of the House are appointed: Messrs. Calvin, Fields, Dove, Coffey and Nabours.

Respectfully,

W. R. LONG.

Chief Clerk, House of Representatives.

#### HOUSE BILLS ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after their captions had been read, the following House bills:

House bill No. 74, referred to Committee on Mining and Irrigation.

House bill No. 95, referred to Committee on Roads, Bridges and Ferries.

House bill No. 89, referred to Committee on Roads, Bridges and Ferries.

#### SENATE CONCURRENT RESOLUTION NO. 6.

(By Unanimous Consent.)

By Senator Willacy:

Senate Concurrent Resolution No. 6, Resolved by the Senate, the House concurring, That the last sentence in Rule 11 of the joint rules of the two houses, which provides that no vote shall be taken upon the passage of any bill within the last twenty-four hours of the session, be, and is hereby suspended.

Senator Townsend offered the following amendment, which was read and adopted:

Amend the resolution so that it shall apply to purely local bills only.

The resolution was then read and adopted.

#### HOUSE BILL NO. 44—FREE CONFERENCE COMMITTEE ON.

Senator Collins made the following motion:

I move that the Senate grant the request of the House for a Free Conference Committee on House bill No. 44 and that the following members be appointed on the part of the Senate: Senators Lattimore, Brelsford, Townsend, Taylor and Darwin.

The above motion was read and adopted.

#### SENATE BILL NO. 21—HOUSE AMENDMENTS CONCURRED IN.

Senator Johnson called up Senate bill No. 21 with the following House amendments:

Amend Senate bill No. 21 by striking out all of the last part of Section 2 of the bill after the words "also the following lands situate in Collinsworth county, Texas," and adding the following: "Beginning at the southwest corner of Collinsworth county; thence north along the west line of said county four miles; thence from that point on said county line, east, four miles; thence south four miles to the county line between Collinsworth county and Hall county; thence west along such county line four miles to the place of beginning."

The amendments were read and concurred in by the following vote:

Yeas—31.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 29, prohibiting the creation of deficiencies for all State institutions.

Senate bill No. 40, A bill to be entitled "An Act to amend Article 911 of the Penal Code of the State of Texas, as amended at the Regular Session of the Thirty-third Legislature, Chapter 135, page 268, Acts of the Thirty-third Legislature, so as to prevent taking fish or terrapin by drag seine during the breeding season and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, and in all streams and canals leading from one body of salt water to another body of salt water in the State of Texas; to empower the Game, Fish and Oyster Commissioner to close waters against seining and netting under certain conditions, and to prevent seining during the breeding season in salt waters, and providing penalty for the violation of this act, and declaring an emergency."

Senate bill No. 23, A bill to be entitled "An Act to name the several counties composing the Sixty-third Judicial District and fix the time for holding district courts therein, and to repeal all laws in conflict therewith, and declaring an emergency."

House grants request of Senate and returns House bill No. 9 for further consideration.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 36, A bill to be entitled "An Act to amend Sections 2, 8, 9 and 12, of 'An Act to authorize and empower Kaufman county, or any political subdivision of said county by a vote of a

two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

Senate bill No. 56, A bill to be entitled "An Act to change and prescribe the time for holding district court in the Thirty-eighth Judicial District of Texas; and to repeal all laws in conflict herewith, and declaring an emergency."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### AT EASE.

On motion of Senator Terrell, the Senate was at ease for twenty minutes.

The Senate was called to order at 11:25 o'clock a. m.

#### HOUSE BILL NO. 9.

Senator Hudspeth moved to rescind the vote by which the final passage vote on House bill No. 9 was reconsidered and tabled, which motion prevailed.

Senator Hudspeth moved to rescind the vote by which House bill No. 9 was finally passed, which motion prevailed.

Senator Hudspeth moved to rescind the vote by which the constitutional rule was suspended, which motion prevailed.

Senator Hudspeth moved to rescind the vote by which the bill was passed to a third reading.

Pending discussion, Senator Hudspeth moved the previous question on the above motion, which motion being duly seconded was so ordered.

The motion to rescind the vote by which the bill had passed to a third reading, and the same prevailed by the following vote:

Yeas—24.

Astin.	Brelsford.
Bailey of De Witt.	Carter.
Bailey of Harris.	Clark.

Conner.  
Cowell.  
Darwin.  
Gibson.  
Harley.  
Hudspeth.  
Johnson.  
Lattimore.  
McGregor.

Morrow.  
Nugent.  
Oliver.  
Real.  
Taylor.  
Terrell.  
Watson.  
Wiley.  
Willacy.

Nays—4.

Collins.  
Greer.

Townsend.  
Westbrook.

Present—Not Voting.

McNealus.

Absent.

Hall.

Warren.

The Chair laid before the Senate, on second reading,

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds or other obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stock, bonds or other obligation of such corporation, or proposed corporation; and fixing commission and promotion fees allowed to be charged, and providing for services of process, examination fees and exempting certain corporations from the effect of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency."

Senator Watson offered the following amendment:

Amend the bill by striking out all of Section 10 and insert in lieu thereof the following:

"Sec. 10. No permit to sell stock shall ever be issued to any foreign corporation which has not at the time of making application for permit at least fifty per cent of its capital stock subscribed and paid in, providing that this shall not apply to any foreign corporation engaged exclusively in the business of lending money in this State, nor to any insurance company that is required by law to obtain a permit from the Commissioner of Insurance and Banking."

Darwin, Hudspeth, Watson, Gibson, Nugent.

Senator Townsend offered the following amendment to the amendment:

Amend the amendment by adding the following thereto: "Provided, further, that all foreign companies organized as



bank or trust companies shall comply with the requirements of the law of Texas as to domestic corporations for such purposes before it may sell its stocks by agent or otherwise in Texas."

Senator Hudspeth moved to table the amendment to the amendment, which motion to table was adopted by the following vote:

Yeas—20.

Astin.	Hudspeth.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Clark.	Oliver.
Conner.	Real.
Cowell.	Terrell.
Darwin.	Watson.
Gibson.	Wiley.
Harley.	Willacy.

Nays—7.

Carter.	Taylor.
Collins.	Townsend.
Greer.	Westbrook.
Johnson.	

Present—Not Voting.

McNealus.

Absent.

Hall.	Warren.
McGregor.	

Senator Townsend moved to table the amendment, which motion was lost.

The amendment was then adopted by the following vote:

Yeas—21.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	Morrow.
Clark.	Nugent.
Conner.	Oliver.
Cowell.	Real.
Darwin.	Taylor.
Gibson.	Terrell.
Harley.	Watson.
Hudspeth.	Wiley.
Johnson.	

Nays—4.

Collins.	Townsend.
Greer.	Westbrook.

Present—Not Voting.

Carter.	McNealus.
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Absent.

Brelsford.	Warren.
Hall.	Willacy.

Senator Watson moved the previous question on the bill, which motion, being duly seconded, was so ordered.

The bill was read second time and passed to a third reading.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Oliver.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Greer.	Townsend.
Harley.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.

Absent.

Brelsford.	Warren.
Gibson.	Willacy.
Hall.	

The bill was read third time and passed.

Senator Terrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### EXECUTIVE MESSAGE.

Governor's Office,

Austin, Texas, August 19, 1913.

To the Senate:

Section 7 of Chapter 171, General Laws passed by the Regular Session of the Thirty-third Legislature, creates the Board of Water Engineers, provides for their appointment by the Governor, with the advice and consent of the Senate, and stipulates that the Governor in appointing said commissioners shall designate one to serve six years, one four years and one two years.

In harmony with said statute, I ask the advice and consent of the Senate to the appointment of the following persons to be members of the Board of Water Engineers:

J. C. Nagle, College Station, Brazos county, Chairman, to serve six years, and to represent Water Division No. 2.

John Wilson of Barstow, Ward county, to serve four years, and to represent Water Division No. 1.

E. B. Gore of Pharr, Hidalgo county,

to serve two years, and to represent Water Division No. 3.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator McGregor:

Whereas, The Hon. John G. Willacy, for twelve years a members of the Texas Senate, and for ten years Chairman of the Finance Committee, has declared his purpose and intention to retire from this body at the expiration of his present term of office, which ends January 1, 1915, and not to be a candidate for re-election; and

Whereas, His fidelity, genius, industry and persistent patriotism has rendered signal service to his State, and has endeared himself to those who have served with him in the Senate; and

Whereas, He has in the discharge of his public duties acquired a fund of information affecting the various institutions of Texas, which probably makes him the best informed man in the State upon her affairs; and

Whereas, His retirement from the Senate is a matter of great regret to his associates here and means a great loss to the State; therefore, be it

Resolved by the Thirty-third Senate, That we do heartily congratulate the Hon. John G. Willacy upon the merited position which he has attained in the confidence and esteem of the members of this Senate and of the people of Texas; that we assert to the people and to those who are to come after us that his service here has been that of unswerving fidelity and unalloyed loyalty to the State; and that we declare his retirement from this body to be a loss to the State and to all her institutions. And that we express to him the unmixed wish of each of us that in the future "his ways may be ways of pleasantness and his paths be paths of peace." and that his State which he has served so faithfully may never forget the service which he has rendered.

Signed by Senators McGregor, Bailey of DeWitt, Darwin, Warren, Carter, Conner, Cowell, Greer, Wiley, Oliver, Nugent, Lattimore, Bailey of Harris, Harley, Gibson, Watson, Real, Terrell, McNealus, Johnson, Clark, Collins, Hudspeth, Taylor, Westbrook, Astin, Brelsford, Morrow.

The resolution was read and unanimously adopted by a rising vote.

Senator Willacy was escorted to the President's stand and addressed the Senate briefly.

### RECESS.

On motion of Senator Bailey of Harris, the Senate recessed until 2:30 o'clock today.

### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

### EXECUTIVE MESSAGE.

A message from the Governor was here received, submitting appointment of notaries public for various counties. (See confirmation of for names.)

### EXECUTIVE SESSION POSTPONED.

Senator Hudspeth moved that the Senate postpone the executive session until 3:10 o'clock today, which motion prevailed.

Senator Hudspeth moved that the Governor be invited to address the Senate upon his appointments, if he so wishes.

Senator McNealus offered the following substitute for the motion:

Resolved, That the Senate, through a committee of three Senators to be appointed by the President of the Senate, inform the Governor that the Senate is about to go into executive session and that if he has further nominations to make for the Senate to consider or wishes to otherwise communicate with the Senate, the body awaits his pleasure, such communication to be oral or written, at his option.

Senator Hudspeth moved to table the substitute, which motion to table was adopted by the following vote:

Yeas—15.

Astin.	Harley.
Bailey of De Witt.	Hudspeth.
Bailey of Harris.	McGregor.
Carter.	Morrow.
Gibson.	Nugent.
Hall.	Oliver.

Real.  
Terrell.

Watson.

Nays—9.

Clark.  
Conner.  
Darwin.  
Greer.  
Johnson.

McNealus.  
Taylor.  
Townsend.  
Westbrook.

Present—Not Voting.

Cowell.

Lattimore.

Absent.

Brelsford.  
Collins.  
Warren.

Wiley.  
Willacy.

The motion by Senator Hudspeth was then adopted.

The Chair appointed Senators Hudspeth and Nugent to notify the Governor of the invitation.

Senator Watson moved that the executive session be postponed until 3:30 o'clock today.

On motion of Senator Clark, the motion was tabled.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on House bill No. 29 by the following vote: Yeas 99, nays 3.

Senate bill No. 54, A bill to be entitled "An Act to validate certain settlement on and purchase of public free school land, and declaring an emergency."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### POST-SESSION CLERICAL WORK.

By Senator Carter:

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, your committee appointed to arrange and provide for the printing of the Senate Journal for the First Called Session of the Thirty-third Legislature, and to report and recommend

such officers and employes as shall be retained after adjournment and to specify their duties, number of days, pay, etc., beg leave to report as follows:

1. That 250 volumes of the Senate Journal of the Special Session, when completed, shall be printed and shall be bound in full law sheep, and that one volume when thus bound, shall be forwarded by the Secretary of State to each member of the Senate and to each Representative, and the remainder shall be turned over to the Secretary of State. The printing of such Senate Journals in permanent form shall be done in accordance with the pre-existing law and with the provisions of this resolution under the supervision of the Journal Clerk of the Senate; and it is further provided, that the Journals herein provided for shall be delivered to the Journal Clerk of the Senate within sixty days after the last copy shall have been furnished to the contractor. And it is further provided that the contractor shall furnish daily to the Journal Clerk of the Senate for the purpose of corrections and indexing three proofs of each of forty-eight pages of the Senate Journal as such pages will appear when finally printed, such proofs to be furnished within one day after the copy for such batch of forty-eight pages shall have been furnished by the Journal Clerk to the contractor; and it is further provided that it shall be the duty of the Journal Clerk of the Senate not to receive or receipt for said Senate Journals until correctly published as required herein and by pre-existing law.

When said Journals have been published and the account approved by the State Printing Board, the same shall be paid out of any of the contingent expense funds of the Special Session of the Thirty-third Legislature, that are available; provided, that the chairman of the Committee on Contingent Expenses shall not issue vouchers for said amount until the Journal Clerk has certified to him that the Journal has been published and delivered in accordance with the provisions of this resolution.

2. We recommend that the Journal Clerk, R. M. Gilmore, be retained for forty days after adjournment, and that he be allowed for his services \$7.50 per day, and that he be instructed to prepare and deliver to the public printer the Journal of the Senate, together with a complete and comprehensive index to same, and to deliver to the Secretary of State all documents, bills, etc., and

Journal by law required to be delivered to him by the Secretary of the Senate.

3. We recommend that the Secretary of the Senate, Mr. W. V. Howerton, be, and he is hereby allowed ten days in which to wind up the business of the Senate, and that the Assistant Secretary, John D. McCall, and the private secretary of the Lieutenant Governor, Tom Leach, be allowed two days in which to finish their respective labors, each of the above officials and employes to be allowed the sum of \$5 per day.

4. That J. C. Stanberry, the Calendar Clerk, be retained for one day after adjournment, and that he be instructed to check up, index and arrange such bills, books, resolutions and other documents as may remain in his possession and deliver the same to the Secretary of the Senate.

5. We recommend that the Sergeant-at-Arms, M. F. Hornbuckle, and assistant, J. A. Kinny, be instructed to immediately prepare a complete and itemized duplicate inventory of all property of the Senate, including all furniture and property in the Lieutenant Governor's room, with marks of identification entered on the invoice; such inventory to show the condition and probable value of such property, and that each copy of each inventory be approved by the President of the Senate, and be delivered by the Sergeant-at-Arms to the Superintendent of Public Buildings and Grounds, and one copy to the Secretary of State upon adjournment of the Legislature; and that the Sergeant-at-Arms, M. F. Hornbuckle, and his assistant, J. A. Kinny, be allowed three days after adjournment to deliver said property to the Superintendent of Public Buildings and Grounds, taking his receipt for same, which shall be delivered to the Secretary of State and filed and kept by him, and said receipt shall be delivered by the Sergeant-at-Arms of the Senate at the next Special or Regular Session of the Legislature, as soon as said Sergeant-at-Arms has been elected and qualified; and that the said Sergeant-at-Arms be allowed two porters, Ellis Monroe and Irvin Hatcher, for two days to assist him, said porters to be paid \$2 per day, and this is to be out of the appropriation of the per diem of members, officers, clerks and employes.

6. We recommend that the Engrossing Clerk, Frank Smith, and Enrolling Clerk, W. P. Williams, each be required to deliver to the Senate all books and documents belonging to the Senate in

their possession, upon the adjournment of the Legislature, and that each be retained one day after adjournment.

7. That each of the above and hereinafter named officers and employes, except the porters, be paid the sum of \$5 per day, except R. M. Gilmore, and that he be paid \$7.50 per day for the time retained, and that this be paid out of the contingent expense and per diem appropriation for the Thirty-third Legislature.

8. That the postmistress, Mrs. Clyde D. Smith, be requested to make out a list of the Senators and employes of the Senate with their respective postoffice addresses and furnish the same to the postmaster at Austin, with the request that he forward their mail to their respective addresses after adjournment; and that she be paid for three days' time at \$5 per day.

9. That the expenditures under this resolution may be paid out of the contingent and per diem fund of the Special Session of the Thirty-third Legislature; that \$50, or so much thereof as may be necessary, shall be appropriated out of such contingent funds to pay postage or express charges on Journals sent out.

WARREN,  
CARTER,  
COWELL,  
REAL,  
CONNER.

The above report was read and adopted.

#### REFUSED TO POSTPONE EXECUTIVE SESSION.

Senator Terrell moved to reconsider the vote by which the Senate agreed to go into executive session at 3:15 o'clock today.

On motion of Senator Clark the motion was tabled.

#### ADDRESS BY GOVERNOR COLQUITT.

Here the special committee appeared at the bar of the Senate, accompanied by Governor Colquitt, who addressed the Senate.

At the conclusion of Governor Colquitt's address, Senator Hudspeth moved that the time for the executive session be postponed until 3:30 o'clock today.

On motion of Senator Clark, the motion was tabled.

## EXECUTIVE SESSION.

The Chair announced that the hour had arrived for the Senate to hold executive session, and the Senate proceeded to executive session.

In executive session the following confirmations were made, as reported to the Journal Clerk by the Secretary of the Senate:

To be a member of the Board of Directors of the Agricultural and Mechanical College: Hon. J. Sheb Williams of Lamar county.

To be a member of the State Board of Health: Dr. T. T. Jackson of Bexar county.

To be a member of the Board of Managers of the Deaf and Dumb Institute: Hon. Robt. J. Eckhardt of Williamson county.

To be members of the Board of Managers of the State Orphans' Home at Corsicana: John S. Callicut and Walter Montgomery, both of Navarro county.

To be members of the Industrial Accident Board, as provided for by Chapter 179, General Laws of the Regular Session of the Thirty-third Legislature: Hon. Jos. D. Sayers of Travis county, to be chairman and attorney of said board, and Hon. W. J. Moran of Tarrant county, as the labor representative.

To be a member of the Board of Managers of the Confederate Home: Gen. Felix H. Robertson of Crawford, McLennan county.

To be members of the Board of Managers of the State Juvenile Training School at Gatesville: W. W. Sealy and M. M. Harris of Waco, McLennan county, Davis R. Hall of Gatesville, Coryell county; Dr. D. C. Homan of Oglesby, Coryell county; Mrs. E. W. Bounds of Marlin, Falls county, and Mrs. M. Cavett of Leon Junction, Coryell county.

To be members of the Board of Water Engineers: J. C. Nagle, College Station, Brazos county, to be chairman, and to serve six years, to represent water division No. 2.

John Wilson of Barstow, Ward county, to serve four years, and to represent water division No. 1.

E. B. Gore of Pharr, Hidalgo county, to serve two years, and to represent water division No. 3.

## Notaries Public.

Madison County—J. M. Brownlee, Madisonville.

Grimes County—Geo. D. Neal, Navasota; R. E. Barry, Mesa.

Polk County—B. F. Matthews, Jr., Dollardsville.

Cameron County—J. R. George, Rio Hondo; F. M. Paul, Rio Hondo; John Prentiss, La Feria.

Nueces County—Joseph Cohn, Corpus Christi.

Kleberg County—J. Wesley Hook, Kingsville; Lee Gordon, Kingsville; J. N. Shaw, Kingsville; Mont Rickey, Kingsville.

Matagorda County—Myrtle Morris, College Port; W. C. Foulks, Bay City; J. J. Harrison, Palacios; Lanrie McClain, College Port; W. P. Willis, Palacios; John F. Perry, Bay City; J. W. Giffce, Bay City; Edwin Dedler, Bay City; F. C. Kent, Midfield; B. W. Trull, Midfield.

Brazoria County—O. F. Nugent, Sweeny; R. B. Loggins, Angleton; J. P. Sallee, Sweeny; T. L. Smith, Sweeny; A. R. Rucks, Angleton; J. S. Wilboan, Alvin; Geo. E. York, Pearland; W. A. Rowan, Chocolate Bayou; N. E. Winters, Angleton; J. H. E. Jephson, Alvin; W. D. Graham, Velasco; C. W. Massey, Pearland; Richard Crooks, Sweeny.

Harris County—George Graves, Houston; G. I. Turnley, Houston; Harry W. Freeman, Houston; Samuel Schwartz, Houston; J. J. Davison, Houston; L. P. Scarborough, Houston; Otto T. Schudemagen, Houston; O. R. Davenport, Spring; F. F. Fleming, Houston.

Fort Bend County—W. J. Meininger, Rosenberg; Edgar G. Wessendorff, Richmond.

Falls County—Mary Towers, Marlin.

McLennan County—Blair Stribbling, Waco; T. H. Lumpkin, Mart; Elbert L. Trimble, Mart; M. E. Compton, Waco; Ed. M. Ainsworth, Waco; O. M. Maxwell, Waco.

Anderson County—J. E. Jackson, Palestine.

Milam County—R. B. Pool, Cameron; L. J. Dostalick, Thorndale.

Grayson County—Mrs. Rowena Coover (widow), Sherman; W. H. Halton, Denison.

Dallas County—T. M. Brent, Dallas; E. Bomar, Dallas; J. J. Eckford, Dallas; Gussie Carter, Dallas; F. H. Crist, Dallas; R. Bernhard, Dallas; A. H. Knight, Dallas; John C. McLemore, Dallas; H. W. Kinnard, Dallas; V. B. Curtis, Jr., Dallas; E. P. Marshall, Dallas; H. N. Howell, Dallas; M. W. Douglass, Dallas; A. I. Hudson, Dallas; W. I. Phillips, Dallas; Rosser J. Coke, Dallas; J. L. Goggans, Dallas; J. W.



Cooper, Dallas; H. G. Lovejoy, Dallas; I. G. Ethridge, Dallas; A. P. Wilson, Dallas; E. H. Morgan, Dallas; W. B. Gentry, Dallas; Geo. Clifton Edwards, Dallas; R. H. Nesmith, Dallas; Nat L. Hardy, Dallas; Henry P. Edwards, Dallas; R. G. Smith, Dallas; W. A. Fossdick, Dallas; A. C. Wilson, Dallas; Lucile Coleman, Dallas; S. C. Lewis, Dallas; W. Gregory Hatcher, Dallas; W. C. Day, Dallas; W. H. Atwell, Dallas; Mary A. Trigg, Dallas; Garland Clark, Dallas; Fred V. Lowery, Dallas; Chas. S. Swindells, Dallas; A. N. Kirkpatrick, Dallas.

Rockwall County—H. M. Wade, Rockwall; J. P. Shelton, Rockwall; J. T. Bailey, Rockwall; Claude Isbell, Rockwall; Schuyler McGwier, Chisholm; Wayne Lowery, Fate; Lem Chisholm, Rockwall; J. D. Whitfield, Heath.

Cass County—J. S. McLeod, Atlanta; E. W. King, Atlanta; J. J. Ellington, Sr., Atlanta; D. W. Sutton, Cass; N. W. Stuckey, Cass; A. T. Baker, Douglassville; E. E. Braugher, Linden.

Grayson County—Emma Alverson, Sherman; Rowan Mills, Sherman; Miss M. V. McInerney, Sherman; Miss Maggie Wright, Sherman; H. M. Carson, Gunter; J. H. Higdon, Denison.

Atascosa County—R. H. Weatherly, Whitsett; C. R. Sutton, Pleasanton; R. R. Smith, Jourdanton; Hiram Allen, Jourdanton; W. M. Abernethy, Jourdanton; R. L. Witt, Jourdanton; J. L. Sullivan, Christine.

DeWitt County—F. W. Gaeggli, Cuero; J. C. Woodworth, Cuero; Dexter Diffie, Cuero; Chas. Mertens, Yorktown.

Jackson County—L. E. Ward, Edna.

Refugio County—T. W. McGuill, Vidauri.

Wilson County—Milton H. West, Floresville; W. O. Murray, Jr., Floresville; S. B. Carr, Floresville.

Atascosa County—R. A. Lackland, Jourdanton.

Victoria County—Oliver J. DeLano, Bloomington.

Rusk County—Sam Hunt, Henderson.

Shelby County—W. I. Powell, Center; Y. W. Rogers, Center.

Wharton County—James Huston, Wharton.

Harrison County—William Caven, Marshall; Sam B. Hall, Hallville.

Harris County—Henry M. Richter, Houston; Frank E. Crimmins, Houston; J. A. Ballowe, Houston; P. P. Ballowe, Houston; Sam T. Robb, Houston; Hilda Moser, Houston; Annie Abercrombie, Houston.

Galveston County—Allan E. Cameron,

Galveston; Richard C. Walker, Galveston; Miss Meta Schilke, Galveston; Jess Beck, Galveston; W. A. Newman, Galveston; Geo. F. Pierce, Galveston; W. E. Lewis, League City; J. P. Atkinson, League City; Gus A. Koehler, Galveston; E. C. Northern, Galveston.

Coleman County—W. Monroe Hooper, Goldsboro; Wade Golson, Coleman; Frank Murray, Coleman; Janie Dibrell, Coleman.

Brown County—Chas. Hayes, May; Thos. Leach, Brownwood.

Comanche County—W. H. Garrett, DeLeon; John Bunting, Rucker; Allen D'Spain, DeLeon.

Erath County—W. A. Creswell, Stephenville; Anna M. Alexander, Dublin.

Mills County—E. D. Brailey, Mullen.

Mitchell County—W. S. Stoneham, Colorado; Thos. Q. Mullin, Colorado; C. R. Earnest, Colorado.

Garza County—A. L. Duren, Post City.

Stephens County—W. J. Scott, Wayland.

Taylor County—R. L. Brookshier, Potosi; W. H. Graham, Abilene; P. B. Ford, Abilene.

Martin County—F. O. Aiken, Stanton; W. T. Daniel, Stanton.

Callahan County—R. L. Clinton, Putnam.

Nolan County—E. Daniel, Sweetwater; W. E. Jones, Roscoe.

Fisher County—W. B. Ferrell, Roby.

Jones County—Guy R. Halcomb, Anson; F. A. Adair, Stamford; N. J. Smith, Hamlin; H. E. Herrick, Lueders.

Kent County—W. N. Morrow, Jayton; I. M. Allen, Jayton; Salome Featherston, Jayton; W. M. Featherston, Jayton.

Lynn County—W. B. Slaton, Tahoka; J. B. Walker, Tahoka; C. E. Brown, Tahoka; C. H. Cain, Tahoka; H. M. Larkin, Tahoka; M. M. Herring, Tahoka; G. E. Lockhart, Tahoka; W. S. Swan, Tahoka; S. N. McDaniel, Tahoka; R. L. Davidson, Tahoka; A. B. Ellis, Tahoka; T. G. Marks, Pride; C. H. Doak, O'Donnell; J. N. Lemond, O'Donnell; R. S. Davidson, Tahoka.

Eastland County—Noble Gray, Rising Star; G. W. Hardin, Rising Star; R. L. Davenport, Eastland; Earl Conner, Eastland; J. O. Sue, Eastland; J. H. Bransford, Mangum; Dixie G. Stephens, Gorman; O. Y. Miller, Gorman; A. M. Curry, Pioneer.

Howard County—W. H. Ingram, Big Springs.

Palo Pinto County—B. P. Maddox, Graford; J. H. Coleman, Mineral Wells;

W. O. Gross, Mineral Wells; R. B. Cousins, Jr., Mineral Wells; M. G. Vernon, Strawn; W. P. Thompson, Gordon.

Scurry County—T. F. Baker, Snyder; W. T. Skinner, Snyder.

Orange County—J. W. Sherwood, Orange; W. A. Sims, Orange.

Jefferson County—Betty Palica, Port Arthur.

Midland County—Miss Dorothy Amann, Midland; F. F. Elkin, Midland; W. A. Dawson, Midland; T. C. Carrington, Midland.

Brazos County—Robt. Armstrong, Bryan.

Freestone County—T. G. Harkey, Kirven; J. W. Davis, Teague.

Hays County—Cecil M. Brown, San Marcos.

Robertson County—Mrs. Fannie Reese Pugh, Hearne.

Jefferson County—W. H. Campbell, Beaumont; Eugene G. Smith, Port Arthur; Simpson I. Dunn, Port Arthur; J. W. Fulbright, Beaumont.

Liberty County—M. T. Daniel, Liberty; W. T. Cherry, Cleveland.

San Augustine County—J. C. Fuller, San Augustine; Thomson McRae, San Augustine.

Jasper County—Miss Nannie Winton, Kirbyville; G. E. Richardson, Jasper.

Hardin County—Jim Antilley, Batson.

Newton County—E. O. Terry, Newton; A. A. Gunter, Newton.

Leon County—W. R. Rosser, Buffalo; R. A. Gayle, Centerville; Otho Youngblood, Normangee; J. H. Wood, Normangee; J. A. Sparks, Mormangee; R. T. Sparks, Jewett; P. L. Moore, Guys Store.

Madison County—Will W. Sharp, Madisonville.

Navarro County—E. F. Ousley, Kirrens; P. O. Smith, Corsicana; W. D. Robinson, Corsicana.

Kaufman County—Chas. H. Carter, Terrell; Jerry M. Rutledge, Jr., Terrell.

Angelina County—L. H. Gray, Lufkin; B. Rolston, Lufkin; J. H. Clayton, Davisville.

Ellis County—Neil Erwin, Waxahachie.

Wharton County—W. L. Houseworth, Wharton.

Cherokee County—J. F. Noel, Alto; J. D. Harris, Dialville.

Trinity County—M. Satterwhite, Groveton.

Houston County—S. J. Dotson, Weldon; Winnie May Box, Crockett; C. L. Monk, Crockett; Tom Daly, Daly; Bob Conner, Ratcliff.

Anderson County—Don Barrett, Palestine.

Bowie County—J. W. McDaniel, DeKalb, R. 5.

Delta County—W. I. Bartley, Pecan Gap; J. C. Roberts, Pecan Gap; A. F. Stephenson, Pecan Gap, R. 1; J. M. Barnett, Cooper, R. 3.

Franklin County—H. Hunt, Mt. Vernon; G. E. Cowan, Mt. Vernon; P. C. Long, Mt. Vernon.

Hopkins County—J. F. Lindley, Peerless; J. H. Martin, Arbala; H. H. Miller, Sulphur Springs.

Red River County—W. S. Lawson, Avery; T. E. Banks, Clarksville; G. T. Holdaway, Clarksville; W. D. Ricketts, Clarksville; Roy A. Huffmaster, Clarksville; Geo. W. Whiteman, Clarksville; J. D. Fiveash, Clarksville; Jno. R. Webb, Clarksville; Bradley Mauldin, Clarksville; R. L. McMillan, Clarksville; Miss Sallie Shackelford, Clarksville; Guy Rickett, Clarksville; J. A. Proctor, Clarksville; Will Alsobrook, Clarksville; Miss Hannah Feezer, Clarksville; S. G. Williams, Blackney; G. C. Blissard, Cuthand; J. H. Hooker, Fulbright; Leo Perdue, Rosalie; A. L. Jones, Bagwell; Ben Brooks, Bagwell; Clyde Strickland, Bagwell; T. S. Caton, Bagwell; W. E. Duke, Lydia; Frank Upchurch, Dimple; H. W. Storey, Annona; J. W. Barnett, Bogata; Z. B. Moon, Bogata.

Titus County—Lode Miller, Winfield; O. W. Caudle, Winfield; J. M. Harris, Mt. Pleasant.

Van Zandt County—M. D. Blackburn, Canton.

Wood County—Gardner Mansell, Mineola.

Upshur County—L. L. Dean, Bettie; J. W. Truitt, Lafayette, R. 1; J. R. Warren, Gilmer.

Camp County—M. M. Smith, Pittsburg; O. A. Arnold, Pittsburg.

Ellis County—Howard W. Lovett, Midlothian; E. A. Maloney, Forreston; O. O. Chrisman, Venus.

Johnson County—Louella Hollingsworth, Cleburne; R. U. Hill, Cleburne.

Fort Bend County—A. M. Bunker, House.

DeWitt County—W. T. Browning, W. T. Cockerell.

Brooks County—Jno. C. North, Falfurrias.

Nueces County—W. C. Jones, Robstown.

Victoria County—W. E. Wilson, Victoria.

Jefferson County—W. S. Cooke, Pt. Arthur; A. L. Nelson, Beaumont.

Van Zandt County—Chas. L. Hubbard, Canton.

El Paso County—Henry Jerrell, El Paso.

Navarro County—T. D. Sisk, Barry.

Limestone County—A. W. Jowers, Coolidge; L. D. Oliver, Groesbeck.

Gray County—Earl Hurst, McLean.

Wheeler County—H. H. Tate, Shamrock.

Hemphill County—W. A. Palmer, Canadian.

Roberts County—H. A. Talley, Miami; J. W. Burks, Miami; Troy Smith, Miami; Roy Trowbridge, Miami.

Hale County—T. W. Sawyer, Plainview; Thornton Jones, Jr., Plainview.

Castro County—Beecher Rowan, Dimmitt.

Parmer County—A. W. Henschell, Friona; S. G. Bratton, Farwell.

Collingsworth County—Carl Rountree, Wellington.

Knox County—J. S. Kendall, Munday; Milton Clendenin, Munday.

Deaf Smith County—L. W. Hough, Hereford; F. E. Walker, Hereford; C. E. Walker, Hereford; Geo. F. Caylor, Hereford; Jno. W. Sherman, Hereford.

Wilbarger County—Clois L. Greene, Vernon; Cecil Storey, Vernon; S. A. L. Wilson, Vernon; H. B. Farrell, Vernon.

Wichita County—Bernard Martin, Wichita Falls; John Davenport, Wichita Falls; H. Y. Newsum, Wichita Falls; J. T. Butts, Wichita Falls.

Hall County—R. P. Price, Memphis.

Dickens County—W. D. Wilson, Spur.

Donley County—C. D. Akers, Clarendon.

Dallas County—Geo. A. Brewer, Dallas; Jas. F. Casper, Dallas; Homer B. Fisher, Dallas; Louis Turley, Dallas; E. B. Bluitt, Dallas; Irvin B. Bluitt, Dallas; A. C. Moser, Dallas; Mrs. Bennett Haralson (widow), Dallas.

Bexar County—J. C. Hopwood, Myrtle Bryant; E. L. Parchman, San Antonio; Isidoro R. Flores, San Antonio; Chas. J. Matthews, San Antonio; C. M. Smith, San Antonio; D. A. Smith, San Antonio.

McLennan County—W. J. Sinclair, Waco.

Hunt County—J. D. Jernigan, Commerce; J. W. Pyle, Celeste; R. F. Akridge, Wolfe City; Vernon Myrick, Wolfe City; D. N. Hargrave, Commerce; C. R. Fuller, Commerce; R. C. Hill, Commerce; N. O. Norwood, Greenville; Jas. W. Bassett, Greenville; C. D. Poole, Greenville; J. L. Carroll, Greenville.

Collin County—W. J. Freeman, Copeville; M. E. Mallow, McKinney.

Victoria County—J. C. Evertson, Victoria; S. A. Pool, Bloomington.

Goliad County—Otho Baxter, Berclair; R. L. Webb, Berclair; B. B. Nicholson, Goliad.

Calhoun County—D. H. Lamkin, Green Lake; J. W. Trulove, Sea Drift.

Ellis County—Lee Gammon, Waxahachie.

Dallas County—Fred V. Lowrey, Dallas.

Travis County—Maud Armstrong, Austin; Miss M. F. Armstrong, Austin; W. V. Howerton, Austin; Grace Ward, Austin.

Williamson County—Hunter O. Metcalf, Georgetown; A. S. Fisher, Jr., Georgetown.

Nueces County—Jos. A. Cone, Corpus Christi; Arnold J. Shary, Corpus Christi; A. J. Rosenthal, Corpus Christi; P. L. Townes, Corpus Christi.

Lamar County—Chas. Dupree, Cunningham; A. B. Sorrels, Paris; J. M. Barr, Paris.

Brown County—Thomas Leach, Brownwood; Ward McConnell, Brownwood.

Lee County—P. J. Alexander, Giddings.

Victoria County—Oliver J. Delano, Bloomington.

Washington County—Ella Werner, Brenham.

Galveston County—May Brick, Galveston; Jas. A. Hawkins, Galveston.

Coleman County—Frank Murray, Coleman.

Brazoria County—Elsie McCauley, Angleton.

Burnet County—Roy Fry, Burnet; Vernon Ramsover, Burnet.

Culberson County—E. C. Boyd, Kent; R. S. Hicks, Van Horn; E. C. Perry, Van Horn.

El Paso County—Harry Murry, El Paso; O. R. Armstrong, El Paso; A. L. Lathrop, El Paso; Walter E. Clarke, El Paso; John R. McCrummon, El Paso; Jas. McIntosh, El Paso; A. T. Threadgill, El Paso; Stella Capron, El Paso; W. J. Hood, El Paso; J. M. Langford, El Paso; W. R. Weeks, El Paso; M. A. Saucier, El Paso; Jno. T. Hill, El Paso.

Brewster County—G. P. Arnold, Marathon.

Lavaca County—Zack H. Jones, Yoakum.

Washington County—Miss Julia Rankin, Brenham.

Fannin County—Travis Lipscomb, Bonham; J. Hale Edwards, Bonham; Humphrey Lawrence, Ravenna; J. F. Black, Honey Grove.

Montague County—T. H. Yarbrough, St. Jo.

Denton County—J. E. Bonar, Denton; Luther Hoffman, Denton; Frances Miller, Denton; W. W. McClister, Denton; R. H. Rhine, Denton; W. G. Kimbrough, Krum.

Bastrop County—B. B. Wade, Elgin.

Wise County—G. F. Boyd, Decatur; O. H. Tinsley, Park Springs.

Lamar County—L. W. Westham, Paris.

Jack County—G. S. McRoberts, Post Oak.

Navarro County—H. L. Stone, Corsicano.

Brooks County—John C. North, Falfurrias.

Colorado County—J. C. Kindred, Weimar; R. L. Williams, Weimar.

Grimes County—Winfree W. Meachum, Anderson.

Erath County—J. H. Renner, Chalk Mountain.

Somervell County—W. N. Holder, Glen Rose.

San Augustine County—J. C. Fuller, San Augustine.

Ellis County—P. B. Cind, Bardwell; P. B. Curd, Bardwell.

Hill County—Will M. Martin, Hillsboro; E. L. Routh, Irene; J. B. Burns, Irene.

Wharton County—Lillian Davis, Atherton.

Haskell County—F. L. Daugherty, Haskell.

Kleberg County—Lee Gordon, Kingsville; J. N. Shaw, Kingsville.

Cameron County—H. E. Johnson, San Benito; D. F. Johnson, Harlingen; J. L. Kowalski, Brownsville; J. O. Prentiss, San Benito; Crisanto Villareal, Brownsville.

Bowie County—C. M. Henry.

Harris County—Alex. Morris, Houston.

Dallas County—C. A. Carden, Dallas; C. A. Gardner, Dallas.

Grayson County—Miss Maggie Wright, Sherman.

Bell County—Prentis Gregg, Belton; Malory P. Blair, Belton; C. C. Countess, Belton; Miss Hettie McCorcle, Killeen; T. L. Miller, Nolanville; O. C. Cowan, Nolanville; H. Mize, Nolanville; Robert Pendleton, Troy; Miss Lucy Roeder, Temple; J. E. Brown, Temple; Violet Wagner, Temple; Roy Hudson, Killeen; Wm. Tatum, Belton.

Bosque County—E. L. Noble, Valley Mills; Ben B. McCollum, Valley Mills; H. W. Herring, Clifton; O. B. Cham-

bers, Walnut Springs; W. W. Siddons, Cranfills Gap.

Fannin County—A. L. Curtis, Windom.

Wichita County—E. W. Nicholson, Wichita Falls; C. E. Yarbrough, Wichita Falls; Ed. Yarbrough, Wichita Falls; W. J. Bullock, Wichita Falls; Edgar P. Haney, Wichita Falls.

Childress County—Joe M. Barnhart, Childress; R. G. Carroway, Childress; Robert L. Davidson, Childress; J. S. Dorn, Childress; A. H. Drake, Childress; W. G. Gross, Childress; T. L. Hardin, Childress; Chas. Kersey, Childress; U. S. Weddington, Childress; C. A. Williams, Childress.

Motley County—Willie L. Renfrow, Matador.

Montgomery County—John D. McCall, Willis.

Walker County—M. E. Gates, Huntsville.

Denton County—F. F. Hill, Denton; J. W. Erwin, Denton; Oscar Z. Underwood, Denton; Paul Bird, Denton; L. Fulton, Denton; Luther S. Hoffman, Denton; Luther Hoffman, Denton.

Montague County—J. M. Donald, Bowie.

Johnson County—R. N. Hill, Grandview.

Brazoria County—Esther B. Reynolds, Sweeney; Geo. E. York, Pearland.

Bexar County—Arthur J. Vogt, McDonna; Francis R. Howard, San Antonio; M. H. Flores, San Antonio; C. M. Stone, San Antonio; Mrs. Kate M. Caldwell, San Antonio; Ike Zoellner, San Antonio; C. R. Davis, San Antonio; Myrtle Bryant, San Antonio; Isidoro R. Flores, San Antonio; Chas. J. Matthews, San Antonio; A. T. Campbell, San Antonio; J. C. Hopwood, San Antonio; C. B. Parchman, San Antonio.

Kerr County—S. J. Scott, Kerrville; A. H. Moore, Kerrville.

Hardin County—William Earnest, Silsbee.

Galveston County—P. D. Cornell, Galveston.

Burleson County—W. J. Farmer, Somerville.

Lamar County—L. V. Larsen, Paris; Charles House, Paris; Wm. House, Paris; A. B. Sorrells, Paris.

El Paso County—Howard M. Maple, El Paso; L. E. Mahoney, El Paso; W. B. Day, El Paso; E. R. Lee, El Paso; J. T. Smith, El Paso; D. G. Heineman, El Paso; J. Fred George, El Paso; J. C. Clark, El Paso; Thos. F. Burr, El Paso; G. B. Cathey, El Paso; Stella Capron, El Paso; Miss Minnie Nance, El Paso;

Jas. W. Givan, El Paso; Dexter R. Maple, El Paso; Nettie L. Rowlin, El Paso.

Maverick County—R. T. Morgan, Eagle Pass; E. R. Rice, Eagle Pass; B. W. Baker, Eagle Pass.

Presidio County—C. R. Sutton, Marfa; E. H. Grindstaff, Marfa.

Pecos County—W. A. Hadden, Ft. Stockton; R. D. Wright, Ft. Stockton.

Reeves County—Nicholas Pfeffer, Pecos; A. J. Wilson, Pecos.

Travis County—A. F. Lockhart, Austin; T. B. Weed, Austin; B. Pledger, Manor.

Calhoun County—J. W. Trulove, Seadrift.

Wilson County—S. B. Carr, Floresville.

Victoria County—W. E. Wilson, Victoria.

Lamar County—S. A. Griffith, Paris.

Hayes County—Howard D. McElroy, San Marcos; Ned Oldham, Wimberley.

Guadalupe County—Max Starcke, Seguin.

Nueces County—Jos. A. Cohn, Corpus Christi.

Hunt County—Miss Doxie McPherson, Greenville.

Collin County—Jas. M. Muse, McKinney; J. Russell Muse, McKinney.

Williamson County—H. Zdaril, Taylor.

Wilson County—Paul H. Brown, Floresville.

Tarrant County—E. J. Archinard, Ft. Worth; E. S. Birdsong, Ft. Worth; Lena Hollis, Ft. Worth; J. G. Butts, Ft. Worth; Miss Johnnie Lee Johnson, Polytechnic; J. L. Johnson, Arlington; Jno. S. Estill, Grapevine; Patrick Henry, Ft. Worth; Ben S. Baldwin, Ft. Worth.

Parker County—M. L. Grandstaff, Springtown; M. D. Plumlee, Weatherford; D. M. Plumlee, Weatherford.

Hood County—Sam G. Lemon, Cresson.

Wise County—Embry Williams, Decatur; H. E. Lobdell, Bridgeport; Karl Andrews, Paradise; T. L. Ball, Decatur.

Nacogdoches County—E. B. Lewis, Nacogdoches; V. E. Middlebrook, Nacogdoches; L. B. Mast, Nacogdoches; J. L. Chandler, Appleby.

Bexar County—J. G. Chilcoate, San Antonio.

Hidalgo County—C. B. McCormich, Edinburg.

Houston County—J. L. Lipscomb, Crockett; Ernest McLemore, Kennard; J. R. Conner, Ratcliff; J. L. Russell, Druso; Jno. W. Shaw, Weches; F. M. Patton, Creath; W. B. Creath, Creath;

W. G. Creath, Crockett; R. G. Cypers, Kennard; S. D. Ratcliff, Ratcliff.

Harris County—R. C. Glenn, Houston.

Dallas County—Arthur Arant, Dallas; Marc Anthony, Dallas.

Orange County—J. W. Sherwood, Orange; W. A. Sims, Orange.

Denton County—J. W. Johnson, Denton.

Brazos County—Robt. Armstrong, Bryan.

Grayson County—C. O. Stewart, Denison.

Bexar County—Robert W. B. Terrell, San Antonio; E. F. Hunter, San Antonio.

Harris County—J. F. Hays, Pasadena.

Tarrant County—Ben S. Baldwin, Ft. Worth.

Hayes County—J. H. Saunders, San Marcos.

Madison County—C. W. Wells, Madisonville; J. M. Brownlee, Madisonville.

Leon County—M. Cundiff, Centerville; J. H. Wood, Normangee.

Maverick County—B. W. Baker, Eagle Pass.

Bexar County—M. V. Pool, San Antonio; W. R. Burgess, San Antonio; C. B. Parchman, San Antonio; Arthur M. Gray, San Antonio; Edwin F. Vanderbilt, San Antonio; Thos. M. Mills, San Antonio.

Lavaca County—P. R. Plumb.

Travis County—W. T. Williams, Austin.

Smith County—Miss Iva Rotschild, Tyler.

Jefferson County—Betty Palica, Pt. Arthur.

Milam County—S. M. Burns, Jr., Cameron.

Tarrant County—Ben S. Baldwin, Ft. Worth; G. T. Bludworth, Ft. Worth; C. M. Mitchell, Ft. Worth; R. T. Dorsey, Fort Worth.

El Paso County—R. Montijo, El Paso; R. A. Edmonds, El Paso; Tom B. Newman, El Paso; L. C. Miller, El Paso; Robt. M. Jackson, Clint.

Grayson County—P. O. French, Denison.

Williamson County—Albert S. Evans, Georgetown.

Frio County—Robt. W. Hudson, Jr., Pearsall.

Wilbarger County—R. S. Houssels, Vernon.

Lampasas County—P. B. McCoury, Lometa.

Bexar County—A. M. Klaerner, San Antonio; Stanley Banks, San Antonio.



Galveston County—P. D. Cornell, Galveston.

Brazoria County—Geo. E. York, Pearland.

Limestone County—T. W. Hudson, Groesbeck.

Eastland County—Geo. Vaught, Eastland.

Hayes County—Cecil M. Brown, San Marcos.

Webb County—Carlos Valdez, Laredo; A. Mowry, Laredo.

Menard County—S. C. Rowe, Menardville.

Nueces County—Arnold J. Shary, Corpus Christi.

Wise County—W. E. Munn, Boyd.

Travis County—Hal Hailey, Austin; L. C. Sutton, Austin.

Live Oak County—E. B. Hobson, Simmons.

Frio County—J. W. Ward, Dilley; R. W. Hudson, Jr., Pearsall.

Navarro County—Thos. N. Watkins.

Travis County—Warren W. Moore, Austin; Percy McDannell, Austin; A. M. Schrader, Austin; A. D. Williams, Creedmore; W. L. Hartung, Austin; G. B. Rogers, Austin; Richard Corner, Austin; L. F. Shelton, Austin; Miss Addie N. McClellan, Austin; Miss Mamie Sligar, Austin.

Dallas County—J. W. Kincaid, Dallas; H. N. Howell, Dallas; J. J. Stein, Dallas.

Galveston County—T. S. Russell, Galveston; Richard C. Walker, Galveston.

Harris County—G. H. Stubblefield, Houston; Otto T. Schuddemagen, Houston.

Ellis County—King Chas. Gaston, Ennis.

Bee County—Chas. Troy, Beeville; J. F. Dibrell, Skidmore; W. B. Soyars, Skidmore; J. P. Nedbalek, Skidmore; R. W. Sparks, Skidmore; D. G. Madray, Skidmore.

#### IN THE SENATE.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Watson:

Be it resolved by the Senate, That Sec. 3 of the Resolution on page 282 of the Senate Journal be so amended as to hereafter provide that the Chairman of the Committee on Privileges and Elections, Hon. T. H. McGregor, in lieu of the Chairman of the Committee on Contingent Expenses be authorized and directed to issue proper vouchers to the

sheriff or other officer who served the subpoenas on witnesses, which shall be the authority of the Comptroller to issue warrants therefor upon said officers filing with said Hon. T. H. McGregor a sworn account of the number of witnesses served and the number of miles actually and necessarily traveled in the service of said contest.

The resolution was read and adopted.

#### HOUSE BILL NO. 18, REPORT OF FREE CONFERENCE COMMITTEE.

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred

House bill No. 18, A bill to be entitled "An Act to repeal Article 6214 of the Revised Statutes of 1911; to amend Article 6215, Title 104, Revised Statutes of 1911, so as to provide that prisoners of the State Penitentiary System need not be paid for Sunday labor; to amend Article 6220, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, to amend Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, only to the nearest depot to the point from which sentenced or an equal distance," with Senate and House amendments thereto, beg leave to report that we recommend that the same do not pass, but that the following Free Conference Committee substitute bill be passed in lieu thereof.

WARREN,  
HUDSPETH,  
WILLACY,  
BRELSFORD,  
COLLINS,

On the part of the Senate.

HUMPHREY,  
BURMEISTER,  
DODSON,

On the part of the House.

Free Conference Committee substitute for House bill No. 18, with Senate and House amendments, a bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; providing

for the management and control of such prison system; providing for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners shall be permitted to testify as qualified witnesses in certain instances; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the conduct and government of such prison system; providing for a board of Prison Commissioners and a General Manager, and providing for their appointment and for the powers, duties and authority of said Prison Commissioners and General Manager; and providing for the terms of service of the said board and said General Manager, and fixing their compensation; providing that titles for all real estate and other property owned by the prison system shall vest in said prison system; providing for the appointment of an auditor for said prison system, and prescribing his duties; prescribing penalties for the violation of the provisions of this Act; prescribing penalties for the selling or giving of intoxicating liquors or drugs to convicts; prescribing penalties for receiving money or other thing of value to secure pardon of convicts; declaring the wealth earned by the prison system over and above the cost of operation and maintenance to be the rightful property of the wife and child of said prisoners if there be such wife and child, with certain exceptions, or, under certain circumstances of the prisoners themselves; providing for the classification of all prisoners and units of labor value, defining the word child for the purpose of this Act; providing for the appointment of a guardian for the children of such prisoners where no guardian has been appointed, declaring that State prisoners are wealth earning units held in trust by the State for the benefit of himself or herself or of his or her dependents; providing for the apportionment of the net proceeds of the prison system among the prisoners according to the value of service performed, and for the disposition of certain apportionment; providing for a prison labor fund and for the disposition of said fund; prescribing credits on terms of sentence of prisoners for good conduct; providing the manner in which prisoners may be classified, rewarded and punished; providing certain restrictions as to the purchase and sale of land for said prison system; fixing limitations upon expenditures of prison funds for certain purposes; making an appropriation for the use of the prison

system; providing that all proceeds of the prison system shall be deposited in the State Treasury, and providing the manner in which same may be expended and providing that if any part of this Act shall be declared invalid such declaration shall not affect any other provision hereof; providing that the provisions hereof shall not affect nor apply to the indeterminate sentence law except in certain cases; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be the policy of this State in the operation of its prison system to so manage and conduct the same that those convicted of violating the law and sentenced to a term in the penitentiary shall have humane treatment and be given opportunity, encouragement and training in the matter of reformation, and that the net proceeds of the prison system, arising from the labor of the prisoners, shall be apportioned among said prisoners by the Prison Commission, according to classification as provided for in subdivision (e) of this Act and paid to the wife of said prisoner, if there be a wife, for the use of said wife and children, if any, or, if there be no children, then for the benefit of said wife, provided; that should the wife of said prisoner be not living or be divorced, or if said prisoner be a woman, then the apportionment of net proceeds as provided for herein shall be paid to the guardian of said children, if there be such guardian, and if there be no guardian, then to some reliable person selected by the Prison Commission, for the benefit of said children; and, provided, further, that should the prisoner have neither wife nor children, then the said apportionment may be paid to the mother, or other female relative, as the said prisoner may direct in writing to the Prison Commission, provided, that not to exceed twenty per cent of said apportionment may be retained by said prisoner upon his written request to the Prison Commission.

In the event that any prisoner has neither wife nor children and has not requested in writing to the Prison Commission that his apportionment be paid to his mother or other female relative, nor revoked any such request theretofore made, then it shall be the duty of the Prison Commission, and the same is hereby directed, to remit to the State Treasurer the amount apportioned to

each such prisoner within fifteen days after said apportionment is made, by check or draft upon any funds to the credit of the Prison Commission account. The State Treasurer shall act as bailee for said prisoners and shall receipt for such remittances and hold same as a fund to be hereafter known as "The Prisoners' Labor Fund," which shall be kept separate and apart from all other funds and deposited, at interest, for the benefit of said prisoner, or prisoners, in accordance with the provisions of Chapter 164 of the Acts of the Twenty-ninth Legislature, known as "The State Depository Law."

(a) For the purpose of this act, the word "children" as used herein, shall be construed to mean either plural or singular.

(b) Any prisoner having an amount to his or her credit in the prisoners' labor fund, who shall escape from the prison authorities, shall forfeit such amount to his or her credit to the State. Upon proof provided by the Prison Commission that a prisoner, having any sum to his or her credit, in the Prisoners' Labor Fund has escaped, the State Treasurer, acting as bailee, is hereby directed to transfer said account to the credit of said prisoner, from the Prisoners' Labor Fund to the general revenue in the State Treasury.

(c) Any prisoner being a life prisoner who shall have a credit to his account in the Prisoners' Labor Fund, and who may not be paroled or pardoned, or any prisoner, having such credit in the Prisoners' Labor Fund who shall die, having no wife or children, shall have the right to bequeath to any person whomsoever he may select, the amount to his or her credit in said fund; provided, that if no such bequest be made then the said amount to his or her credit in said fund shall revert to the State and be covered and transferred by proper voucher into the general revenue.

(d) For the purposes of this act, it is hereby declared that all State prisoners are wealth earning units held in trust by the State for the benefit of the dependent wives and children, if such there be, of said prisoners, or, if there be no dependent wife or children, then for the benefit of the prisoner himself, or herself, as the case may be, and that the wealth created by said prisoners, over and above the cost of operating and maintaining the prison system, is the rightful property of the dependent wives and children of said prisoners, except as herein provided.

(e) For the purposes of equitable pro-rata and apportionment of any surplus earned by the prison system arising from the labor or service performed by State prisoners, over and above the cost of maintenance and operation of said system, the following percentage of labor value shall be used: For common labor, each day's work shall constitute one unit; for intermediate labor, each day's work shall constitute two units; for skilled labor, each day's work shall constitute three units. At each apportionment period, the total net proceeds of the prison system shall be divided by the total number of units as represented by the labor performed by all prisoners since the last preceding apportionment, and the quotient shall be the money value of each unit. After ascertaining the unit value, each prisoner shall be apportioned a sum equal to said unit value multiplied by the number of units represented by the labor performed by said prisoner since the last preceding apportionment and the product shall be the apportionment of net proceeds of said prison system to be credited to said prisoner and disposed of as provided for in section one of this act; provided, that the first apportionment shall be calculated upon the labor performed between the date of said first apportionment and the date of taking effect of this act; provided, that no units shall be allowed except for such days, or parts of days, during which actual labor has been performed under the direction of the officers or managers in charge; provided, that before distribution of any net profits as hereinbefore provided, there shall be set aside 10 per cent of said net profits as a surplus fund, and provided that said surplus fund shall be available for the purpose of meeting, in whole or in part, any deficit that may arise in the operation of said system, and, provided, that the said surplus fund shall be disposed of by the Legislature as it may determine.

(f) The Prison Commission is hereby directed to classify all convicts as herein defined as soon as same may be done according to the value of the labor or service performed and to provide rules for promotion or reduction from one class to another as the labor or service performed becomes more or less efficient, providing thereby a system of promotion as a reward and encouragement for earnest effort upon the part of the convict wards of the State that they may become proficient in some useful occupation.

(g) As often as practicable, and at periods not less often than twelve months apart, the Prison Commission shall ascertain as near as possible the surplus arising from the labor of the State's prisoners, over and above the cost to the State for the period intervening since the last apportionment, and shall apportion said surplus as provided in Section 1 of this act; provided, that the first apportionment shall be made on January 1, 1914, after this act takes effect, and annually thereafter on the first day of January of each year.

(h) Immediately after the taking effect of this act, the Prison Commission shall ascertain, as near as possible, the name and residence of the wife of each State prisoner, if there be such wife, and if there be no wife, then of the children and their guardian, if any, and make a record of same. As soon as apportionments are made, as provided for in subdivision (e) of this act, the Prison Commission shall issue a voucher upon the prison account in favor of the beneficiary as provided herein, which voucher shall be authority for the State Treasurer to pay to said beneficiary, by warrant drawn upon the prison account, the amount specified in said voucher. All vouchers shall be numbered consecutively and filed by the State Treasurer and kept subject to inspection by the Legislature and the Governor, or by their authority; provided that in the case of prisoners having neither wife nor children, nor any female relative to whom he or she has bequeathed that his or her apportionment be paid, then such apportionment shall be paid by voucher upon the prison account into the Prisoners' Labor Fund for the benefit of such prisoner, as provided in Section 1 of this act.

(i) Any prisoner who shall exercise his or her right to retain twenty per cent of his or her apportionment shall have the privilege of depositing all or any part of it in the Prisoners' Labor Fund, said deposit to be subject to his or her disposition and direction; provided, that in the event of the death of such prisoner, the amount so deposited in the Prisoners' Labor Fund shall be paid to the wife of said prisoner or to his or her children according to the provisions of Section 1 of this act.

(j) Should any prisoner, having an account to his or her credit, in the Prisoners' Labor Fund, be paroled or conditionally pardoned, it is hereby made the duty of the State Treasurer, upon proof of the issuance of said parole or condi-

tional pardon, to pay to said paroled or conditionally pardoned prisoner one-half the amount to the credit of said paroled or conditionally pardoned prisoner, in the Prisoners' Labor Fund, the remainder to be paid to said prisoner upon the expiration of his or her term of sentence, whether said term expires by process of time or by pardon; provided, that if said credit in the Prisoners' Labor Fund represents, in whole or in part, the twenty per cent of apportionment retained by said prisoners, as provided for in Section 1 of this act, then the State Treasurer shall issue a warrant for the full amount of said credit in favor of said paroled or conditionally pardoned prisoner.

(k) In ascertaining the proceeds of the prison system over and above the cost of maintenance and operation, the Prison Commission shall not consider nor charge any interest upon the value of the prison system as the same now exists; provided, however, that interest at not to exceed five per cent may be charged and included in the cost of maintenance upon all future enlargements and betterments; and provided, that the cost of enlargements and betterments, including clearing and ditching land, the erection, of buildings and the purchase of land, shall be provided for by direct appropriation out of the general revenue in the State Treasury by the Legislature or by the proceeds of the issuance and sale of bonds as may be authorized by law, and that said enlargements and betterments shall not be charged against the proceeds of the prison system, it being the purpose of this act that the State of Texas shall not acquire property, or profit, at the expense of the State's convicts, nor of their dependent wives and children.

(l) All prisoners physically able to perform ordinary labor, who shall refuse to perform the labor assigned them by proper officers, or managers, shall have charged against them, which sum shall be deducted from the total value of their labor units, a charge equal, as near as may be determined, to the cost of his or her maintenance and support for the period of time such prisoner may refuse to work.

Sec. 2. The prison system of this State, as referred to in this act, shall include the State penitentiary at Huntsville, the State penitentiary at Rusk, and such other penitentiaries as may hereafter be established, and all farms or camps where State prisoners are or



may hereafter be kept or worked, together with all property of every character belonging thereto or connected therewith.

Sec. 3. It is hereby declared the policy of this State to work all prisoners within the prison walls and upon farms owned or controlled by the State, and in no event shall the labor of the prisoners be sold to any contractor or lessee to work on farms or elsewhere, nor shall any prisoner be worked upon any farm, or place other than that owned or controlled by the State of Texas, except as hereinafter provided.

Sec. 4. To better carry out such policy, the management and control of the prison system of the State of Texas shall be vested in a board to be known as the Board of Prison Commissioners, and for the purposes of this act shall be referred to as the Prison Commission. Said Board of Prison Commissioners shall be composed of three men to be appointed by the Governor, with the advice and consent of the Senate, whose term of office shall be six years from date of appointment, except those first appointed under this act, who shall hold their offices, respectively, for two, four and six years from the date of their appointment and qualification. Their terms to be decided by lot, after they shall have qualified, and one Prison Commissioner shall be appointed every two years thereafter. In case of a vacancy in said office, the Governor of this State shall fill said vacancy for the unexpired term thereof. Two members of said board shall constitute a quorum for the transaction of business, and its proceedings shall be entered of record and kept in a well-bound book. It may appoint a secretary to keep a record of its proceedings, to receive such compensation as the board may determine, provided the Legislature does not otherwise provide. Each member of the Board of Prison Commissioners shall be paid a salary not to exceed twelve hundred dollars per annum in monthly installments of one hundred dollars, and in addition thereto, they shall be paid all actual and necessary traveling and other expenses incident to the performance of their official duties. Said commissioners shall be required to devote only so much time to the business of the prison system as may be necessary for the best interest of said system. No member of said commission shall be required to reside at any particular place, but each member of said commission shall have the right to the use of one of the residences

owned by the prison system. No member of said Board of Prison Commissioners shall be disqualified to serve as such except in instances where such commissioners are engaged in business or pursuit that would furnish supplies and material to, or entering into any contract with the State prison system. The payment of the expenses herein provided for shall be made by the Comptroller's warrants based upon sworn statement of actual expenses incurred. A copy of said sworn statement to be retained in the office of the Prison Commission, and a copy to be furnished the Comptroller of public accounts.

Sec. 5. Each member of said commission shall within ten days after his appointment, execute a bond payable to the Governor of this State and his successors in office for the use of the State in the sum of ten thousand dollars, and conditioned that he will faithfully execute the duties of his office, which said bond shall be executed with two or more good and sufficient sureties, or with some indemnity, fidelity or bonding companies authorized to do business in Texas; the form of which bond shall be prepared by the Attorney General, and the sufficiency of the sureties thereon approved by, and the same shall be filed with, the Secretary of State; which said bond shall not be void on the first recovery of part or of the whole of the penalty, but shall thereafter continue in force for the whole amount of the penalty thereof, and may be sued on by the State from time to time, and shall be deemed to extend to the faithful performance of the duties of his trust, until his successor shall be duly qualified, and shall have entered upon the duties of his office. And it shall be the duty of the Attorney General, upon notice of default, or failure to perform the duties as contemplated by law by any member of said Prison Commission, to bring suit in any court of competent jurisdiction in Travis County, Texas, for the forfeiture and collection of said bond, and, before entering upon the duties of his office, each member of said board shall take and subscribe the oath of office prescribed by the Constitution of this State.

Sec. 6. The said board shall have the general management and control of the prison system of this State and of all convicts sentenced to the penitentiary, whether within or without the walls thereof. It may provide for all contracts for the building of any new penitentiary buildings, and for any addi-



tions, repairs and improvements necessary to be made in connection with the penitentiary or convict system of this State which shall cost not more than one hundred thousand dollars with the understanding that the Governor may create a deficiency in case of extraordinary circumstances for the erection of buildings. No member of said board nor any officer or employe of said prison system shall be directly or indirectly connected with any contract, sale or purchase of any property, or sale or any transfer shall be made during his term of office and in which either the State or the prison system are interest. Any violation of any of the provisions of this section of this act shall be sufficient ground for his removal from office and shall invalidate any such contract to or in which such commissioner, officer or employe was a party.

Sec. 7. The said Prison Commission shall be vested with the management and control of the prison system of this State, and shall be held responsible for the proper care, treatment, feeding, clothing and management of the prisoners confined therein, and at all times for the faithful enforcement of the spirit, intent, and purpose of the laws and rules governing said system; provided that the Prison Commission shall be held responsible for maltreatment of prisoners, and if permitted it shall be grounds for removal from office.

Sec. 8. The Prison Commission shall select one of its members as chairman, and no order of the commission shall be effective unless approved by two of the members of the said commission who shall constitute a quorum for the transaction of business. The commission shall keep, or cause to be kept, in a well-bound book a minute of the proceedings of all matters held by them; and all official actions of the Commission shall be recorded in said book. All orders promulgated by the commission shall be issued through the chairman who shall be charged with the duty of executing all orders of the commission, and the chairman shall be charged with the enforcement of all policies of the commission, in accordance with the rules that may be adopted for the control of the prison system, except as the commission by official order duly recorded shall direct otherwise.

Sec. 9. The Prison Commission shall as soon as this act takes effect select a general manager of the prison system, who shall have the active conduct of the business transactions of the prison sys-

tem in accordance with the policies, rules and regulations established by the Prison Commission, and he shall have full authority to manage and control the prison system in all its business activities subject only to the control of the Prison Commission; and such general manager shall be elected annually by the Prison Commission and shall receive \$5000 per annum and expenses as provided of this act.

The general manager shall within ten days after his appointment execute bond payable to the Governor of this State and his successors in office for the State in the sum of \$50,000 and conditioned that he will faithfully execute the duties of his office, which said bond shall be executed with two or more good and sufficient sureties, or with some indemnity, fidelity or bonding company authorized to do business in Texas; the form of which bond shall be prepared by the Attorney General, and the sufficiency of the sureties thereon approved by and the same shall be filed with the Secretary of State, which said bond shall not be void on first recovery of part or the whole of the penalty, but shall thereafter continue in force for the whole amount of the penalty, thereon, and may be sued on from time to time by the State, and shall be deemed to extend to the faithful performance of the duties of his trust until his successor shall be duly qualified and shall have entered upon the duties of his office. And it shall be the duty of the Attorney General upon notice of the default or failure to perform the duties as contemplated by law by the said general manager, to bring suit in any court of competent jurisdiction in Travis county, Texas, for the forfeiture and collection of said bond. And before entering upon the duties of his office the general manager shall take and subscribe the oath of office prescribed by the Constitution of the State.

In the selection of a general manager, the commission shall not be confined to citizens of the State of Texas, and no member of the commission shall be eligible to the position of general manager during the term of office for which he was appointed, nor for two years thereafter.

Sec. 10. No lands shall be purchased by the Prison Commission, nor shall any lands be sold by said Prison Commission, except upon authority first received from the Legislature, and no such authority shall be granted except upon application made to the Legislature in

writing by the Prison Commission. Said application shall state the number of acres to be offered for sale, or purchase, the location and character of said land, the improvements thereon, if any, and the price and terms upon which the same is being offered, or to be offered, for sale or purchase; provided, that all proposals either to purchase any land for the prison system or to sell any land belonging to the prison system, before being submitted to the Legislature, shall first be advertised for a period of not less than thirty days in three or more newspapers having general circulation in the territory where such land is situated. Provided, the Prison Commission is hereby authorized to take options for the purchase of such lands, as may be deemed necessary without cost to the State, in excess of \$10.00, and in no case shall any option which may be rejected by the Legislature create or give rise to any obligation against the State or against the prison system. Provided, that neither the general manager or the Prison Commission, nor any other authority shall inaugurate any industry, or industries, the cost of which shall aggregate more than the sum of \$100,000.00 without the expressed approval and authority of the Legislature; nor shall it buy, construct, sell, tear up, dismantle or abandon any railroad or part of railroad, without expressed and specified authority from the Legislature.

Sec. 11. The Prison Commission shall as soon as practicable, employ all male prisoners, physically able and not otherwise employed, in clearing the uncleared timber land of the prison system, and preparing the same for cultivation, thereby providing permanent employment for large numbers of prisoners on land owned by the State. It is hereby specifically provided that land, the title of which is not in the State or the prison system, shall not be cleared of brush, stumps, or timber, nor shall such land be improved either as above stated or by the erection of permanent improvements, by the prison system, under the terms of new contracts or leases, it being one of the purposes of this act to divorce the operations of the prison system from all private interests of every character; provided, that in case the State should not have enough land available for the employment of convicts upon State farms, and it should be necessary to procure the use of any farming lands for the employment of such convicts, then the general manager, with the con-

sent of the Prison Commission, may rent or lease such lands as may be necessary. The price paid for the rented or leased land, in no case to exceed the usual and customary price.

Sec. 12. The Prison Commission is authorized and it shall be its duty, to cause to be constructed upon land now belonging to the prison system, and upon such land as may be hereafter acquired, all necessary modern, well ventilated prison buildings, with proper bathing facilities and all necessary sanitary water-closets and other sanitary arrangements, within such buildings; also sanitary kitchens, dining rooms, hospitals, school rooms, and chapels, and other necessary conveniences for the benefit of the prisoners.

Sec. 13. The general manager shall have the power to sell and dispose of all farm products, and the products of all factories connected with the prison system, and all personal and movable property at such price, and on such terms as may be deemed best by him. The Prison Commission, or general manager, shall, in the purchase or sale of any machinery for the equipment of the prison system, exceeding in value the sum of five thousand dollars, advertise in the manner prescribed by the Prison Commission for bids for such property in at least three daily papers in this State, having a general circulation, at least thirty days before any such contract is let.

Sec. 14. On Monday of each week the general manager, herein provided for, shall remit to the State Treasury all money received by him, as such, from whatever source, including proceeds of accounts receivable, or bills receivable, now or hereafter held by the Prison Commission, which remittances shall be paid into the general revenue on deposit warrants issued by the State Comptroller; provided, that the said general manager with the approval of the State Comptroller is hereby authorized to draw upon the State Treasury for such sum, or sums, so that he may have on hand not to exceed one thousand dollars for the purpose of paying incidental expenses of the prison system.

For the years beginning September 1, 1913, and ending August 31, 1915, there is hereby appropriated out of the general revenue in the State Treasury, not otherwise appropriated, for the maintenance and support of the prison system, and all other expenditures necessary to the operation of the prison system the

sum of one hundred thousand dollars for the year ending August 31, 1914, and the sum of one hundred thousand dollars for the year ending August 31, 1915, and in addition thereto, there is hereby appropriated out of the general revenue in the State Treasury, not otherwise appropriated, for the period beginning September 1, 1913, and ending August 31, 1915, a sum equal to all the revenue deposited in the State Treasury arising from the sale of all products of the State farms, factories and any other source or activity of the prison system, including bills receivable, and accounts receivable of every character during the period of time for which this appropriation is made; less such sums, if any, as may have accrued, and be due to any prisoner or his dependents as provided for by Section 1 of this act.

Sec. 15. It shall be the duty of the Attorney General to prosecute and defend all actions in the several courts in this State in which the Prison Commission, or the property of the penitentiary, may be interested, and also to render to such Commission, or the general manager, advice and interpretation of the laws covering their respective legal duties, and no additional counsel shall be employed to represent said Commission, or general manager, except by and with the advice of the Attorney General, provided that the Prison Commission and the general manager, may employ local counsel for advice and assistance on local matters arising in the conduct of the system, but that no litigation shall be carried on, or defended, except under the authority and direction of the Attorney General.

Sec. 16. The Prison Commission may at any time issue such orders, and prescribe such rules and regulations for the government of the Prison Commission of this State, not inconsistent with the law, as it may deem proper, or to provide such details not embraced herein, or for such contingencies that may at any time arise, concerning the management of the prison system, or its proper and effective operation, and such rules and regulations shall be made with the view of carrying out the general principles on which the penal laws are founded, and for which the prison system is established, and shall be binding on all under officers, employes, and all persons whomsoever in any way connected with the State prison system, or its management, and its prisoners within and without the walls. The Prison

Commission shall have all laws, rules and regulations of the prison system printed in pamphlet form for the information and guidance of all connected with the management of the prison system, and such parts of said rules as relate to the duties of subordinate officers and prisoners shall be printed in suitable form and posted wherever prisoners may be confined for the information of all concerned. All officers, employes and guards having supervision of prisoners shall be furnished with a copy of the laws, rules and regulations governing the prison system, and shall give a receipt therefor, and the Prison Commission shall from time to time require examination of such officers, employes and guards as will ascertain their knowledge of such laws, rules and regulations, and any such officer, employe or guard who shall fail to familiarize himself with the laws, rules and regulations of the prison system shall be dismissed from the service.

Sec. 17. It shall be the duty of some member, or members, of the Prison Commission to spend at least one whole day each month without notice at each prison, camp or farm where prisoners are kept or worked, and to carefully inspect same with reference to the food, clothing, and treatment of the prisoners; the general sanitary conditions existing at such prisons, camps or farms, reporting on such conditions, the efforts at reformation, the general conduct of all officers and employes connected therewith, and punishment administered for the enforcement of prison discipline, making such reports to the full Board of Prison Commissioners; provided, that the various prisons, camps and farms where prisoners are kept may be divided for the purpose of this inspection between two or more members of the Prison Commission, or such other person as may be designated by the Prison Commission.

Sec. 18. It shall be the duty of the Prison Commission to make suitable provision and regulation for the safe and speedy transportation of prisoners from counties where sentenced to the penitentiary at Huntsville by sheriffs of such respective counties, if such sheriffs are willing to perform such service as cheaply as said Commission can have it done otherwise. Said transportation shall be on State account, and in no instance shall the prisoners be carried direct from the county jails to the State farms, but shall first be carried to the

penitentiary at Huntsville, where the character of labor which each prisoner may reasonably perform shall be determined. Upon the arrival of each prisoner at Huntsville, the Prison Commission shall cause a statement to be made by the prisoner giving a brief history of his life, and showing where he has resided, the names and postoffices of his immediate relatives, and such other facts as will tend to show his past habits and character; and the Prison Commission shall by correspondence or otherwise verify or disprove such statements if practicable, and shall preserve a record of the information so obtained for future reference.

Sec. 19. The Prison Commission shall cause to be made annually on the first day of January a full and complete inventory of all lands, buildings, machinery, tools, live stock and all other property of every description belonging to the prison system, and shall cause to be set opposite each item the book value, also the actual value of the same so as to afford an easy comparison with the previous annual statement. And the Prison Commission shall cause to be kept in the accounting department of the prison system, a system of books showing a separate account with each industry and farm, and for the system as a whole, showing the losses, profits and net earnings of each industry and farm connected with the system, and shall make a report of the same annually on the first day of January to the Governor, which report shall be published by the Governor in a sufficient number of copies to give general publicity to such report; such report to include the rules and regulations in force for the management of said system, and the methods of dealing with the convicts thereof. Such statements shall disclose the cost per capita of the maintenance and operation of each of the different industries, farms and enterprises of the system, and an equitable distribution of the overhead or general system expenses among the several departments.

Sec. 20. The Prison Commission shall provide a seal whereon shall be engraved in the center of a star of five points the words "Board of Prison Commissioners of Texas" around the margin, which seal shall be used to attest all of its official acts.

Sec. 21. The Prison Commission shall make or cause to be made a complete statement of the financial condition of the system once each quarter to the

Governor of the State; and said commission shall furnish or cause to be furnished a copy of said statement to the public press of the State at the time it is made to the Governor.

Sec. 22. On the taking effect of this act and annually thereafter there shall be appointed by the State Treasurer, Attorney General and Comptroller of public accounts an auditor for the prison system, who shall hold his office for the term of one year subject to discharge at any time as hereinafter provided. It shall be the duty of such auditor to audit all accounts, vouchers, pay rolls and all other business transactions of the prison system, and to check all property, material and supplies received and disposed of by, or distributed within, the prison system, and he shall make a full report thereof to the Governor on the first day of January of each year. Such auditor shall be subject to discharge at any time by the majority of those who have the authority to appoint him for any incompetency, neglect, failure or refusal to discharge the duties of his office or for any wrongful conduct that in the judgment of those by whose authority he was appointed renders him unfit for said office, and in case of discharge or resignation of any auditor another shall be appointed. During the time of his service such auditor shall be paid monthly a salary of two hundred dollars per month and all actual and necessary traveling expenses to be paid at the end of each month out of any moneys to the credit of the prison system, such traveling expenses to be evidenced by itemized sworn statements by the auditor and filed with the board.

Sec. 23. Each member of the Board of Prison Commissioners, the general manager and auditor, in the discharge of their duties is authorized to administer oaths, to summon and examine witnesses and take such other steps as they deem necessary to ascertain the truth of any matter about which they may have the right to inquire.

Sec. 24. Within a reasonable time, and not later than one month after the taking effect of this act, the Prison Commission shall abolish striped or checked clothes for prisoners except as a mode of punishment for violations of prison discipline, substituting therefor some suitable uniform.

Sec. 25. The Prison Commission as soon as practicable shall provide at each prison farm and camp where prisoners are kept or worked schools for instruction of prisoners in elementary branches.



or the English language and industrial education and such other instruction as they may prescribe, and shall provide suitable recreation for the prisoners at reasonable hours, including music, and they shall employ such number of competent teachers to instruct the prisoners as in the judgment of the Prison Commission may seem necessary, and the Prison Commission shall make reasonable rules and regulations whereby the prisoners may attend such schools. The Prison Commission shall prescribe and furnish to the prisoners suitable books and other reading matter, and to this end may establish and operate among the prisoners a circulating library and may adopt such other means of distributing among the prisoners good and wholesome literature as in the judgment of the Prison Commission will best enable the prisoners to avail themselves of the same; provided, that all teachers herein provided for shall, so far as practicable, be taken from the convicts, and such teachers may be excused from further labors. The chaplain shall be ex-officio librarian of the penitentiary, passing upon all library books, and direct such other work as may be prescribed for such library management.

Sec. 26. The Prison Commission shall provide for religious services at prisons, farms and camps where prisoners are kept or worked; they shall employ such chaplains as may be necessary to afford all prisoners an opportunity to attend at least two religious services each month, and said chaplains shall devote their entire time to religious and moral training and education of the prisoners under their care, teaching them the principles and practices of every Christian and moral duty, provided that chaplains may be teachers as provided for in this act.

Sec. 27. If any officer or employee of the prison system shall receive any money or value from any prisoner or any other person, directly or indirectly, for the purpose of securing a pardon or parole or attempting to secure such pardon or parole or aiding therein, he shall upon conviction be punished by confinement in the penitentiary for a period of not less than two nor more than ten years.

Sec. 28. If any person shall sell or give to any State convict or cause to be sold or given to any such convict any spirituous, vinuous or malt liquors or medicated bitters, capable of producing intoxication or any opium, morphine or

cocaine, except upon the prescription of a regular practicing physician, he shall upon conviction be punished by confinement in the penitentiary for a period of not less than two nor more than five years.

Sec. 29. If any member of the Board of Prison Commissioners shall be guilty of malfeasance or nonfeasance in office, or shall become incapable or unfit to discharge his official duty, or shall wilfully fail, or refuse or neglect to discharge the duties of his office, such member shall be subject to removal from office as provided by law.

Sec. 30. The Prison Commission shall, except as otherwise provided, fix the salaries of all officers and employees of the prison system upon such basis as the labor and ability of the officer or employe entitles him to, said salary to be paid monthly at the end of each month.

They shall pay to the general manager a salary of \$5,000 per annum, and his actual and necessary traveling expenses incurred in the performance of official duty, to be paid upon Comptroller's warrant against the State Treasury, based upon sworn statement of services rendered and expenses incurred in such form and manner as the Prison Commission shall direct, and the Prison Commission shall permit the general manager to occupy, free of rent, a residence belonging to the prison system.

Sec. 31. On the first day of the month following the date on which this act becomes effective the salaries of all new guards in the employ of the prison system shall not exceed twenty-five dollars per month, but the meritorious guards now in the employ of the prison system may be paid forty dollars per month; and thereafter for meritorious service and adaptability to the work of the prison system the Prison Commission may increase the pay of any guard at the rate of two dollars and fifty cents a month until a maximum salary of sixty dollars per month shall be attained.

No person shall be employed as a guard to guard convicts who is not at least twenty-one years of age, of good moral character, and who is not able to read and to write and has not a fair knowledge of the English language. No person shall be employed as a guard to guard convicts who uses intoxicating liquors.

Sec. 32. The Prison Commission may provide such other qualifications as they may deem expedient regarding the employment and discharge of guards, and



shall require all officers and employees connected with the prison system to familiarize themselves with and conform to the rules and regulations and law governing the prison system of this State, and shall require all officers and employees connected with the prison system to take and subscribe to the oath of office prescribed by the Constitution.

Sec. 33. The Prison Commission is hereby authorized to bring and maintain all suits for recovery of any debt that may be due to the prison system and to defend any action that may be brought against the Prison Commission or any officer thereof involving the right to State property, or contracts affecting the prison system; provided, that venue of all suits brought by the Prison Commission is hereby fixed in Travis County, Texas; and provided further, that in all suits hereafter instituted against the prison system the venue is hereby fixed in Travis County, Texas. Nothing herein contained shall be construed to give any right to sue the Prison Commission.

Sec. 34. The Prison Commission shall see that all State prisoners are fed good and wholesome food, properly prepared under wholesome, sanitary conditions, and in sufficient quantity and reasonable variety, and they shall hold all under-officers performing this work strictly to account for any failure to carry out this provision. That the food may be properly prepared, the Prison Commission shall provide for the training of prisoners as cooks.

Sec. 35. The Prison Commission shall require, at the end of each month, reports showing fully the condition and treatment of the prisoners, and the changes in prison population during the month, including itemized statements of all different items of food, clothing and utensils used and on hand in each of the units of the prison system, and such other matters as they may require.

Sec. 36. The Prison Commission shall keep a register of all prisoners belonging to the prison system, showing the number of each prisoner, giving the aliases, name, age, height, color of hair, color of eyes, complexion, marks on person, sex, nativity, residence, county where convicted, offense of which convicted, date of sentence, date of receipt, previous occupation and habits, if known, and may adopt such other means of identification as they may deem proper and necessary. They shall keep a record of the general conditions and conduct of each prisoner, noting all punishments, forfeitures, bad conduct, changes

and incidents of importance that may occur during his confinement; and to the end that complete records may be kept, they may require from all under-officers such monthly and other reports as they may deem proper. They shall issue discharges to such prisoners as are entitled thereto by expiration of sentence and otherwise.

Sec. 37. That persons confined in the State prisons of this State may have every opportunity and encouragement for moral reform, it shall be the duty of the Prison Commission, in addition to the requirements of this title, to provide every reasonable and practicable means for the encouragement of such reforms. To this end, the Prison Commission shall provide for the classification of all prisoners, separating them into the following classes: In the first class shall be included young men, first offenders, those appearing to be corrigible, or less vicious than others, and likely to observe the laws, and to maintain themselves by honest industry after their discharge. In the second class shall be included those appearing to be less corrigible, or more vicious, but content to work and reasonably obedient to prison discipline as not to seriously interfere with the productiveness of their labor, or with the labor or conduct of those with whom they may be employed. In the third class shall be included those appearing to be incorrigible or so insubordinate or so vicious in their nature as to seriously interfere with the labor and moral development of those with whom they must come in contact. The Prison Commission shall make rules and regulations for the promotion and reduction of the prisoners from one class to another, and shall transfer them from one class to another, from time to time as they may seem to merit promotion or reduction. The prisoners in each of the classes hereinbefore named shall be kept in or upon different or separate prisons or farms. Any prisoner, upon entering the prison system, shall be assigned to one of its institutions according to his class, as hereinbefore provided, and shall be entered in said institution in a neutral grade which shall be known as grade No. 2, and in which he shall be furnished with a suitable uniform designated for that grade. The Prison Commission shall adopt rules for a higher grade which shall be known as grade No. 1, as a reward for obedience to prison discipline and good conduct, and

shall provide a suitable uniform for this grade; and they shall provide for a lower grade as a punishment for misconduct and violation of prison discipline, which grade shall be known as No. 3, and in which the prisoner shall be clothed in stripes. The uniforms for grades Nos. 1 and 2 shall not be stripes. The Prison Commission shall provide rules for promotion of prisoners from any grade to another for good conduct and obedience to prison discipline, and for demotion of prisoners for misconduct, and violation of prison discipline. The Prison Commission shall provide specifically for the extension or denial of privileges for the various grades herein provided. It shall be the duty of the Prison Commission to provide opportunity and encouragement for moral reform of the prisoners, and to this end the Prison Commission shall provide for the classification of prisoners into as many classes as may be deemed advisable and necessary; and provided, that incorrigible prisoners shall be segregated and kept apart from other prisoners; and provided further, that whites, Mexicans and negroes shall be kept separate and apart.

The Commission shall provide rules for promotion and reduction of prisoners and shall provide, specifically, for the extension or denial of privileges to the different grades of prisoners; provided, in order that prison discipline may be enforced, the Prison Commission may adopt such modes of punishment as may be necessary, such punishment being always humane. Placing prisoners in stocks shall be prohibited. Whipping with not exceeding twenty lashes may be resorted to with incorrigible prisoners who cannot be made to observe the rules by milder methods of punishment. The strap used must be of leather and not over two and one-half inches wide and twenty-four inches long, attached to a wooden handle. No convict shall be whipped until same has been authorized by at least two members of the Prison Commission, or by the general manager of the prison system. Provided, that no order to whip a convict shall be issued until an affidavit in writing, signed by some credible person, shall be filed with the officer in charge of the convict, charging the convict with the violation of some rule of the penitentiary system and until the officer making the request for a whipping shall submit to the Prison Commission and general manager written evidence of the

charge of misconduct or violation of the prison rule upon which said request for an order to whip is based, which evidence shall be sworn to by the person or persons making the charge and approved by the manager, warden or foreman in charge of the convict. And the Prison Commission and general manager shall not sign any order to whip a convict until they have examined said written evidence and shall find that said convict has been guilty of the offense charged, and shall certify to that fact upon the minutes of the Prison Commission, and in every case the convict shall have the right to be heard and give evidence in his own defense and to have witnesses summoned and testify in his behalf, if any he has, and convicts shall have the right to testify, and the person making the complaint against said convict shall not execute said punishment order.

Provided, any employe of the prison system who makes a wilfully false affidavit against a prisoner, shall be at once dismissed from the service, and the fact of such false affidavit having been made shall be communicated by the Prison Commission to the grand jury of the county in which such affidavit is made, to the end that he may be prosecuted for false swearing, and upon written order, and such order so issued shall be executed only in the presence of a prison physician and a sworn report shall be made by the officer executing such order, to the Prison Commission, who shall keep a record of all such reports in a well-bound book to be kept for that purpose, which shall at all times be open to public inspection, and such reports to be made by such officer executing the order of the Prison Commission, or the general manager, shall state the name of the convict whipped, the number of strokes administered, the size of the strap used, the time and place thereof, in whose presence same was done, and the cause thereof. It shall further be the duty of the Prison Commission to make a semi-annual report of the whipping of convicts to the district judge of the county where such whippings occurred, who shall report same to the grand jury, which is hereby authorized to make investigations thereof.

The utmost care must be used by the officer executing the order of the Commission or general manager not to break the skin of the prisoner whipped, and any person guilty of whipping a pris-

oner more lashes, or other than as provided herein, or striking a prisoner except in self-defense, or as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$25 nor more than \$500, or imprisoned in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

Sec. 38. All female prisoners shall be kept separate and part from the male prisoners. Where practicable, the Prison Commission shall keep the female prisoners upon a separate farm, or at a separate prison, from the male prisoners, and shall provide reasonable rules and regulations for the government of the same.

Sec. 39. The Prison Commission shall provide such labor for said female prisoners as in their judgment they can reasonably perform, but the prison physician for such female prisoners shall at any time have the authority to say whether the physical condition of said female prisoners is such they can perform any physical labor; provided, that in the absence of the physician the matron shall pass upon the physical condition of said female prisoners.

Sec. 40. The Prison Commission shall keep the white female prisoners separate and apart from the negro female prisoners, and shall select and place over said female prisoners a matron or matrons, whose duty it shall be to give her personal attention to the welfare of such female prisoners. The matron or matrons so employed to look after the welfare of the female prisoners shall reside at the place where female prisoners are kept.

Sec. 41. At the place where female prisoners are kept, none but married men shall be employed as guards; and the houses for such guards and their families shall be provided by the State, in which the families of the guards shall live. Said guards shall be allowed ten dollars per month in addition to his salary in lieu of his board, said houses not to be situated further than three hundred yards from the main prison building where such female prisoners are kept.

Sec. 42. If a female prisoner be received with an infant, or if any child be born in the penitentiary, the child shall be permitted to remain with its mother until three to six years of age, in the discretion of and as prescribed by the Prison Commission.

Sec. 43. Every person who shall be

entitled to a diminution of his term of sentence by good conduct shall be allowed a credit of ten cents per day, and for every dollar of such credits he shall be allowed a credit of one day off the term of his sentence, in addition to all other credits; provided, that whenever any prisoner shall forfeit any part of his good time for misconduct or violation of the rules or regulations of the prison system he shall forfeit twenty-five cents of such extra credit of his term of sentence.

Sec. 44. Except in case of extreme and unavoidable emergencies no labor on Sunday shall be required of any prisoner except the feeding of live stock and other similar essential and necessary work; provided, that a prisoner who shall be required to work on Sunday in such character of work as is different from that above mentioned shall be allowed one day's deduction for each Sunday so worked on the time of his sentence.

Sec. 45. The various provisions of this title are designed to secure to the prisoners humane treatment, suitable moral instruction, to provide for their health, and to extend to them such comforts and privileges as may be consistent with their situation, and at the same time to require of them a due attention to their various duties and a strict observance of the discipline, rules and regulations of the prison.

Sec. 46. In order to encourage prison discipline, a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient comforts and privileges according to their deserts. The rewards to be bestowed on prisoners for good conduct shall consist of such relaxation of strict prison rules and extension of social privileges as may not be inconsistent with proper discipline. Commutation of time for good conduct shall be granted by the Prison Commission, and the following deduction shall be made from the term or terms of sentences when no charge of misconduct has been sustained against a prisoner, viz.: Two days per month off the first year of sentence; three days per month off the second year of sentence; four days per month off the third year of sentence; five days per month off the fourth year of sentence; six days per month off the fifth year of sentence; seven days per month off the sixth year of sentence; eight days per month off the seventh year of sentence; nine days per month off the eighth year of sentence; ten days

per month off the ninth year of sentence; fifteen days per month off the tenth year and all succeeding years of sentence. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence. For each sustained charge of misconduct in violation of any rule known to the prisoner, in any year of the term, the commutation allowed for one month of such year may be forfeited; for any sustained charge of escape, or attempt to escape, mutinous conduct, or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner up to that day shall be forfeited, unless in case of escape the prisoner voluntarily returns without expense to the State, such forfeiture may be set aside by the Prison Commission. For extra meritorious conduct on the part of any prisoner, he shall be recommended to the favorable consideration of the Governor for increased commutation or pardon; and, in case of any prisoner who shall have escaped and been captured, part or all of his good time thereby forfeited may be restored by the Prison Commission, if in their judgment his subsequent conduct entitles him thereto.

Sec. 47. Hereafter, life or long term prisoners who have actually served fifteen years and have no sustained charges of misconduct, and have a good prison record, and who shall be favorably recommended to the Governor, may receive at the hands of the Governor a reasonable commutation of sentence; and, if a life sentence is commuted to a term of years, then such convict shall have the benefit of the ordinary commutation, as if originally sentenced for a term of years, except the Governor shall otherwise direct.

Sec. 48. Suitable clothing of substantial material, uniform make and reasonable fit, and such footwear as will be substantial and comfortable, shall be furnished the prisoners; and no prisoner shall be allowed to wear other clothing than that furnished by the prison authorities, except in case of extra meritorious conduct only, the Prison Commission may allow the prisoners to wear citizen underwear. Sufficient food of wholesome quality and variety and wholesomely prepared shall be furnished to all, and such provisions shall be made for serving the food to prisoners as will tend to encourage and elevate them. It shall be the duty of every officer charged with the preparation and serving of food to the prisoners to post in the dining

room each Monday morning for the coming week the bill of food for that week, and the rules promulgated by the Prison Commission shall prescribe the quality, kind and variety of food to be furnished. Prisoners shall not be allowed spirituous, vinous or malt liquors, except upon the prescription of the physician.

Sec. 49. Prisoners who have been reported by the physician or other officer in charge as in a condition of health which requires their removal to some other place shall be accordingly removed.

Sec. 50. Prisoners when received into the penitentiary shall be carefully searched. If money be found on the person of the prisoner, or received by him at any time, it shall be taken in charge by the Prison Commission and placed to the prisoner's credit, and expended for the prisoner's benefit on his written order, and under such restrictions as may be prescribed by law or the rules. Any officer or employee having charge of a prisoner's money who misappropriates the same, or any part thereof, shall be deemed guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary for a term of not more than five years.

Sec. 51. If any prisoner shall die while in prison, the officer in charge of the prisoner at the time of his death shall immediately report the same to the Prison Commission, and, if he knows the address or place of residence of any relative within the third degree, either by consanguinity or affinity, shall also notify by wire said relative of the death of such prisoner; and, if the relative of such prisoner claim the body or will take charge of same, then the body of such prisoner shall be turned over to such relative, and the expense of shipping the body to where it is to be buried, provided it is within this State, shall be paid by the Prison Commission out of any available penitentiary funds on hand upon the request of such relative. If the residence and address of the relative of such prisoner is unknown, such prisoner shall be decently buried in citizen's clothes, and the grave marked by a stone with the name of said prisoner, date of death and age, if known, inscribed thereon. If the body of such prisoner is not claimed by the relatives, the Prison Commission shall at once notify the county judge of the county from which the prisoner was sentenced of his death, the date and cause of death and place of burial. The Prison Commission shall cause to be made and kept a record



of the deaths of prisoners; and certified copies of same made by the custodian thereof shall be admissible in evidence under the rules of law applying to official records. Any officer or employe of the prison system of whom any duties are required by this article, who shall fail to discharge such duties, shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided by the Penal Code.

Sec. 52. The Prison Commission, or other person in charge of prisoners, upon the death of any prisoner under their care and control, shall at once notify the nearest justice of the peace of the county in which said prisoner died, of the death of said prisoner; and it shall be the duty of such justice of the peace, when so notified of the death of such prisoner, to go in person and make a personal examination of the body of such prisoner, and inquire into the cause of the death of such prisoner; and said justice of the peace shall reduce to writing the evidence taken during such inquest, and shall furnish a copy of the same to the Prison Commission, to the district judge of the county in which said prisoner died; and the copy so furnished to said district judge shall be turned over by the district judge to the succeeding grand jury; and the said judge shall charge the grand jury, if there should be any suspicion of wrong-doing shown by the inquest papers, to thoroughly investigate the cause of such death. Any officer or employe of the prison system having charge of any prisoner at the time of the death of such prisoner, who shall fail to immediately notify a justice of the peace of the death of such prisoner, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and by confinement in the county jail not less than sixty days nor more than one year; provided, that the justice of the peace making such examination shall be paid a fee as is now provided by law for holding inquests, said fee to be on sworn account therefor approved by the Prison Commission.

Sec. 53. The Prison Commission shall provide for competent medical attention for all prisoners, and shall establish rules whereby all physicians shall be required to keep a record of all cases of sickness, accident or injury which they treat. The physicians so employed shall be reputable practicing physicians of not less than two years of experience in

practice. Each physician employed in the prison system shall, at the end of each month, file with the Prison Commission a report in writing, subscribed and sworn to by him; which report shall state the names, race and sex of each prisoner treated or examined by him during said month, the malady or disease with which each was afflicted, and, if any shall be suffering with wounds or injuries inflicted by accident or some individual, he shall state the nature and extent of said injuries, by whom and by what means inflicted, or how the same occurred, and all such other information concerning said matters, and the condition of each prisoner treated or examined by him during said time, as he may possess; provided further, that for a failure to make such a report, or any false statement knowingly made by any such physician in any such reports, he shall be prosecuted for the offense of perjury or false swearing, as provided by law.

Sec. 54. The Prison Commission shall also provide a competent dentist or dentists, whose duty it shall be to care for the teeth of the prisoners. Such dentist or dentists shall, at the direction of the Prison Commission, visit the various places where prisoners are kept or worked, at such intervals as may be prescribed.

Sec. 55. When a prisoner is entitled to a discharge from prison he shall be furnished with a written, or printed, discharge from the Prison Commission, with seal affixed, signed by the chairman of the Board of Prison Commissioners, giving the prisoner's name, date of sentence, from what county sentenced, amount of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such other description as may be practicable. He shall be furnished with a decent outfit of citizen's clothing, of good quality and fit, two suits of underwear, five dollars in money in addition to any money held to his credit, and transportation to the nearest depot from whence sentenced, or, if such prisoner prefers, he may receive transportation to any other point of equal distance as the nearest depot to the point from whence sentenced.

Sec. 56. The Governor and all other members of the executive and judicial departments of the State, and members of the Legislature, shall be admitted into the prisons, camps and other places where prisoners are kept or worked, at all proper hours, for the purpose of observing the conduct thereof, and may



hold conversation with the convicts, apart from all prison officers. Other persons may visit the penitentiary under such rules and regulations as may be established.

Sec. 57. The Prison Commission may offer such reward for the apprehension of an escaped prisoner as may be fixed by the Prison Commission, and to be paid as directed by the Prison Commission.

Sec. 58. Any officer or employe of the prison system who shall fraudulently convert to his own use and benefit any food, clothing or other property belonging to or under control of the prison system, shall be guilty of theft, and upon conviction punished as prescribed by law.

Sec. 59. Any officer, agent or employe, in any capacity connected with the prison system of this State, who shall be financially interested, either directly or indirectly, in any contract for the furnishing of supplies or property to the prison system, of the purchase of supplies or property for the prison system, or who shall be financially interested in any contract to which said prison system is a party, or who shall knowingly and fraudulently sell or dispose of any property belonging to said prison system below its reasonable market value, or who shall be financially interested in any other transaction connected with the prison system, shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years nor more than five years, and each transaction shall constitute a separate offense.

Sec. 60. Any sergeant, guard or other officer or employe of the prison system of this State, who shall inflict any punishment upon a prisoner not authorized by the rules of the prison system, shall be guilty of an aggravated assault, and upon conviction thereof shall be punished as prescribed by law, and it shall be the duty of the Prison Commission to make complaint before the proper officer of any county in which such assault was committed upon such prisoner.

Sec. 61. No gambling shall be permitted at any prison, farm or camp where prisoners are kept or worked. Any officer or employe engaging in or knowingly permitting gambling at any such prison, farm or camp shall be immediately dismissed from the service.

Sec. 62. The Prison Commission shall have the power to work convicts on

public works when they cannot employ them on the State farms or within the walls by reason of some unforeseen calamity such as failure of crops or the destruction of crops by wind or flood. When convicts are worked on public works owned by the State or a subdivision of the State the humane provisions of this act shall be strictly complied with; provided, that the Prison Commission shall have power, under such conditions, rules and regulations as it may adopt, not inconsistent herewith, to permit the employment of short term convicts in the building of public roads.

Sec. 63. All laws and parts of laws in conflict with this act are hereby repealed; and provided further, if any provision or provisions of this act shall be held invalid, the remaining provisions hereof shall not be affected thereby, but the same shall be in full force and effect.

Sec. 64. Provided, that nothing herein contained shall be held to repeal the indeterminate sentence law as passed by the Regular Session of the Thirty-third Legislature and amended at the First Special Session thereof; and provided further, that the Prison Commissioners may allow the same benefits and privileges and commutations heretofore provided for in this act to convicts sentenced under said indeterminate sentence law as applies to prisoners not so sentenced, and shall allow a deduction and commutation of the term of sentence from the minimum sentence assessed against any prisoner convicted under said indeterminate sentence law above mentioned.

Sec. 65. The fact that there is now no law upon the statute of this State providing for the efficient business management of the penitentiary system creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Pending the reading of the above report, Senator Lattimore moved that the reading be dispensed with, and

Senator Nugent moved, as a substitute, that the report be read in full.

The substitute motion was lost.

Action recurred on the motion to dispense with the reading of the report, and the same was lost by the following vote, a two-thirds vote being necessary.

## Yeas—15.

Bailey of De Witt.	Lattimore.
Conner.	McGregor.
Cowell.	Oliver.
Darwin.	Real.
Greer.	Taylor.
Harley.	Warren.
Hudspeth.	Willacy.
Johnson.	

## Nays—13.

Astin.	Nugent.
Brelsford.	Terrell.
Carter.	Townsend.
Collins.	Watson.
Gibson.	Westbrook.
McNealus.	Wiley.
Morrow.	

## Present—Not Voting.

Bailey of Harris.  
Absent.

Clark. Hall.

## RECESS.

On motion of Senator Brelsford, the Senate, at 7 o'clock, recessed until 8:30 o'clock tonight.

## AFTER RECESS.

## (Night Session.)

The Senate was called to order by President Pro Tem. Carter.

## HOUSE BILL NO. 61.

## (By Unanimous Consent.)

The Chair laid before the Senate, on second reading.

House bill No. 61. Rising Star Independent School District.

The committee report, with amendments, and which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Conner, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—27.

Astin.	Carter.
Bailey of De Witt.	Collins.
Bailey of Harris.	Conner.
Brelsford.	Cowell.

Darwin.	Real.
Greer.	Taylor.
Hall.	Terrell.
Harley.	Townsend.
Hudspeth.	Warren.
Johnson.	Watson.
Lattimore.	Westbrook.
Morrow.	Wiley.
Nugent.	Willacy.
Oliver.	

## Absent.

Clark.	McGregor.
Gibson.	McNealus.

The bill was read third time and passed by the following vote:

## Yeas—28.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Clark.	McNealus.
McGregor.	

Senator Conner moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SIMPLE RESOLUTION.

## (By Unanimous Consent.)

By Senator Watson:

Be it resolved by the Senate, That the Lieutenant Governor and the Secretary of the Senate be instructed to issue warrant to Hon. A. C. Oliver, Senator from the First Senatorial District for thirty-five dollars for the seven days from August 6 to August 12, inclusive.

The resolution was read and adopted.

## HOUSE BILL NO. 18—REPORT OF FREE CONFERENCE COMMITTEE.

Action recurred on the report of the Free Conference Committee on House

bill No. 18, and Senator Warren moved that same be adopted.

Senator Nugent offered the following motion in writing:

I move that the report be not adopted and that the same be referred back to the Free Conference Committee for further consideration and revision.

Senator Lattimore moved the previous question on the pending motions, which motion being duly seconded, was so ordered.

The substitute motion was lost by the following vote:

Yeas—2.

Nugent.

Terrell.

Nays—25.

Bailey of De Witt.	Johnson.
Bailey of Harris.	Lattimore.
Brelsford.	Morrow.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Hall.	Wiley.
Harley.	Willacy.
Hudspeth.	

Present—Not Voting.

Astin.

Absent.

Clark.

McNealus.

McGregor.

Senator Terrell made the point of order that the report had not been read in compliance with the Constitution with reference to the reading of bills on three several days.

Senator Willacy made the objection to the point of order that the Constitution had been complied with when the bill was before the Senate and before it reached the Free Conference Committee and that the Constitution did not require the reading of a report of a Free Conference Committee, the matter of reading same being optional.

The Chair sustained the point of order by Senator Willacy, and overruled the point of order by Senator Terrell.

The report was then adopted by the following vote:

Yeas—22.

Brelsford.	Conner.
Carter.	Cowell.
Collins.	Darwin.

37—S

Gibson.  
Greer.  
Hall.  
Harley.  
Hudspeth.  
Johnson.  
Lattimore.  
Morrow.

Oliver.  
Real.  
Taylor.  
Townsend.  
Warren.  
Watson.  
Westbrook.  
Willacy.

Nays—3.

Nugent.  
Terrell.

Wiley.

Present—Not Voting.

Astin.

Bailey of Harris.

Bailey of De Witt.

Absent.

Clark.  
McGregor.

McNealus.

Senator Warren moved to reconsider the vote by which the report was adopted and lay that motion on the table.

The motion to table prevailed.

#### REASONS FOR VOTE.

I vote "nay" on Free Conference Committee report on House bill No. 18 for the following reasons:

1. Because the proponents of the bill and their friends in their mad rush to railroad this bill to passage, containing, as it does, more than sixty sections, refused to allow the Free Conference Committee report, which is in fact the bill, to be read, and I am not willing to vote for a bill of the magnitude and importance that this has without knowing what the bill contains.

2. Because this bill has been written largely under such circumstances and in such a rush and excitement and perhaps in moments of prejudice and passion as to make it impossible to give to the great multiplicity of questions involved that calm and deliberate consideration and judgment demanded by the stupendous problems involved.

3. Because I am opposed to the paternalistic policy embraced in the bill that gives the Penitentiary Commission power to have venue of suits filed by them against citizens of the State fixed at Austin, in Travis county, thereby saying to the Commission, you may go into the realm of business with the citizens of this State, contract with them, and then sue the citizen at Austin and drag him across the State and litigate his rights among strangers in direct contravention of the principles of law that every man may defend all suits

in the county of his residence, except in cases specially excepted by law as now stated in our statutes, thereby entailing unwarranted hardships and expenses upon such citizens, and in many cases thereby defeating the rights of the citizen.

I am unequivocally opposed to centering too much power around the seat of government, but favor guaranteeing to the people the greatest possible power and rights.

4. I oppose the bill because it discriminates between defendants in suits now pending in which the Commission is plaintiff, and in suits hereafter to be filed, because such a provision is so manifestly unjust and unfair that I cannot give my assent to such a principle.

5. For many other reasons too numerous to enumerate here for want of time and space, I consider the hurried and ill-advised passage of this bill most unfortunate.

NUGENT.

HOUSE BILL NO. 95.

(By Unanimous Consent.)

On motion of Senator Wiley, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 95 put on its second reading by the following vote:

Yeas—28.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Clark. McNealus.  
McGregor.

The Chair laid before the Senate, on second reading,

House bill No. 95, local road law for Montague county.

The Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering

this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Wiley, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Clark. McNealus.  
McGregor.

The bill was read third time and passed.

Senator Wiley moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 74.

(By Unanimous Consent.)

On motion of Senator Astin, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 74 put on its second reading by the following vote:

Yeas—26.

Astin.	Lattimore.
Bailey of De Witt.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hall.	Wiley.
Hudspeth.	Willacy.

## Absent.

Bailey of Harris.      McGregor.  
Clark.                      McNealus.  
Johnson.

The Chair laid before the Senate, on second reading,

House bill No. 74, relating to organization and operation of drainage districts.

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Astin.	Hudspeth.
Bailey of De Witt.	Johnson.
Bailey of Harris.	Lattimore.
Brelsford.	Morrow.
Carter.	Nugent.
Collins.	Oliver.
Conner.	Real.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Hall.	Wiley.
Harley.	Willacy.

## Absent.

Clark.                      Taylor.  
McGregor.                Terrell.  
McNealus.

The bill was read third time and passed by the following vote:

Yeas—21.

Astin.	Hudspeth.
Bailey of De Witt.	Johnson.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Wiley.
Greer.	Willacy.

Nays—2.

Mcrow.                      Westbrook.

## Absent.

Bailey of Harris.      McGregor.  
Clark.                      McNealus.  
Hall.                        Taylor.  
Lattimore.                Watson.

Senator Astin moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 89.

(By Unanimous Consent.)

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 89 put on its second reading by the following vote:

Yeas—28.

Astin.	Johnson.
Bailey of Harris.	Lattimore.
Bailey of De Witt.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Clark.                      McNealus.  
McGregor.

The Chair laid before the Senate, on second reading,

House bill No. 89, special road law for Hopkins county.

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its third reading and final passage by the following vote:



## Yeas—28.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Clark.	McNealus.
McGregor.	

The bill was read third time and passed by the following vote:

## Yeas—29.

Astin.	Lattimore.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

## Absent.

Clark.	McGregor.
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Senator Darwin moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.  
(Lieutenant Governor Mayes in the chair.)

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Watson:

Be it resolved by the Senate, That Dr. A. C. Oliver be paid out of the Contingent Expense Fund the sum of two hundred (\$200) dollars for expenses and attorney's fee necessarily incurred by him in the contest proceedings filed in this Senate against him by the Hon. C. A. Wheeler.

The resolution was read, and Senator Terrell amended the same by providing \$200 for C. A. Wheeler.

Senator Wiley moved to table the amendment and the resolution.

Senator Carter made the point of order that a similar resolution had been acted adversely on same.

The Chair sustained the point of order.

Senator McNealus moved to rescind the vote by which the Senate failed to pass a simple resolution allowing Senator Oliver and Mr. Wheeler an appropriation for attorney's fee in recent contest.

Senator Wiley moved to table the motion to rescind, which motion prevailed by the following vote:

## Yeas—14.

Carter.	Real.
Conner.	Taylor.
Darwin.	Townsend.
Greer.	Warren.
Harley.	Westbrook.
Johnson.	Wiley.
Morrow.	Willacy.

## Nays—10.

Bailey of Harris.	McNealus.
Brelsford.	Nugent.
Collins.	Oliver.
Hudspeth.	Terrell.
McGregor.	Watson.

## Present—Not Voting.

Astin.	Cowell.
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## Absent.

Bailey of De Witt.	Hall.
Clark.	Lattimore.
Gibson.	

## PRESIDENT PRO TEM.—ELECTION OF.

Here Senator Carter moved that the Senate proceed to the election of a President Pro Tem. for the closing session.

The Chair declared nominations for President Pro Tem. in order.

Senator Townsend nominated Senator V. A. Collins of Jefferson county.

Senators Taylor, Johnson, Westbrook, Nugent and McNealus seconded the nomination.

There being no other nominations, the Chair declared nominations closed, and directed the Senators to cast their ballots.

Senators Taylor, Westbrook and Nugent were appointed tellers.

Senator Collins received 24 votes, and was declared duly and constitutionally elected.

Senators Hudspeth and Morrow were appointed as a committee to escort Senator Collins to the President's stand, whereupon the constitutional oath of office was administered him by Lieutenant Governor Mayes.

Senator Collins was presented to the Senate and spoke briefly.

#### SIMPLE RESOLUTION.

Whereas, Miss Mattie Jones has served the Senate Finance Committee faithfully and efficiently; therefore, be it

Resolved, That the Senate extends its thanks to her for said faithful services, and extends to her our sincere wishes for prosperity and happiness.

JOHN G. WILLACY,  
Chairman Finance Committee.

The resolution was read and adopted.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 44.

Also, concurs in Senate amendments to House bill No. 9 by the following vote: Yeas 69, nays 35.

Also, the House adopts the Free Conference Committee report on House bill No. 18, by the following vote: Yeas 70, nays 36.

Also, the House concurs in Senate amendments to House bill No. 61.

Also, that the House has passed Senate bill No. 34, Lott county, with amendment.

Respectfully,

W. R. LONG,  
Chief Clerk, House of Representatives.

#### SENATE BILL NO. 34—HOUSE AMENDMENTS CONCURRED IN.

Senator Watson called up House bill No. 34, with the following House amendments:

Amend Senate bill No. 34, Section 1, line 34, by striking out the word "Lott" and insert in lieu thereof the name "Dunn."

Amend the caption of the bill, line 7, by striking out the word "Lott" in honor of Uriah Lott, and insert in lieu thereof the name "Dunn," in honor of P. F. Dunn.

The amendments were read and concurred in.

#### NOTIFICATION COMMITTEES.

Senator Hudspeth moved that a committee of three each be appointed to notify the Governor and House that the Senate had completed its labors and was ready to adjourn, which motion was adopted, and the Chair appointed the following committees:

To notify the Governor: Senators Hudspeth, Collins and Morrow.

To notify the House: Senators Carter, Taylor and Conner.

Each of the above committees performed their duties and made due report.

A committee from the House appeared at the bar of the Senate and notified the Senate that the House was ready to adjourn.

#### SINE DIE ADJOURNMENT.

The Chair, Lieutenant Governor Mayes, at 12 o'clock, midnight, August 19, 1913, by the authority vested in him by the Constitution of the State of Texas, pronounced the Senate of the First Called Session of the Thirty-third Legislature adjourned sine die.

#### APPENDIX.

#### BILLS AND RESOLUTIONS SIGNED.

The Chair, Lieutenant Governor Mayes, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

House bill No. 14, "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, to wit: The University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of

Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas State Normal and West Texas State Normal, and declaring an emergency."

House bill No. 40, "An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas."

House bill No. 50, "An Act to create a special district court for the Fifth Judicial District of Texas, and declaring an emergency."

House Concurrent Resolution No. 9, Requesting our Senators and Representatives in Congress to support bill for the creation of the Mescalero National Park out of a portion of the Mescalero Indian Reservation.

Senate bill No. 28, "An Act to amend Chapter 41, Acts of the Twenty-ninth Legislature, as amended by the Thirtieth Legislature, being an act to create a more efficient road system for Dallas county, and declaring an emergency."

Senate bill No. 57, "An Act creating the Gonzales Independent School District in Gonzales county, Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the city of Gonzales of the control of its public free schools, and the title of all property now held and used for public school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency."

Senate bill No. 56, "An Act to change and prescribe the time for holding district court in the Thirty-eighth Judicial District of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

Senate bill No. 36, "An Act to amend Sections 2, 8, 9 and 12 of 'An Act to authorize and empower Kaufman county, or any political subdivision of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, main-

taining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

Senate bill No. 48, "An Act to amend Section 2, Chapter 67, Local and Special Laws of the Acts of the Thirty-second Legislature of the State of Texas, creating a special road law for Mason county, Texas, so as to provide that hands employed to work on the public roads shall be paid not more than \$1.50 per day, and that not more than \$3 per day shall be paid for a team and driver, and further, so as to provide that the superintendent of roads and bridges shall have charge of all public roads and bridges and supervise all work done thereon, but that the county commissioners shall inspect the roads within their respective precincts once each month, and shall receive as compensation therefor \$3 per day for the time actually employed in the discharge of such duty, provided that no commissioner shall receive pay for more than three days in any one month, and providing for an emergency."

House bill No. 4, "An Act providing for the election of United States Senators from Texas to Congress of the United States, and providing for the selection and nomination of candidates therefor, defining violations of this act, fixing the punishment therefor, and limiting the campaign expenses of candidates for United States Senator."

House bill No. 2, "An Act making appropriations to pay the salaries and employes of certain departments and courts of the State and other expenses of maintaining and conducting them, as follows: Governor's Office, Mansion and Grounds, Department of State, State Revenue Agent, Public Buildings and Grounds, Department of Insurance and Banking, State Insurance Commission, Texas Library and Historical Commission, State Tax Board, State Purchasing Agent, Public Printing, Bureau of Labor Statistics, State Inspector of Masonry, Public Buildings and Works, Adjutant General's Department, State Board of Health, Game, Fish and Oyster Commissioner, Live Stock Sanitary Commission, State Mining Board, Pure Food Commission, State Pension Department, Attorney General's Department, Department of Education, Treasury Department, Comptroller's Department, General Land Office, Railroad Commission, Department of Agriculture, Board of

Water Engineers and State Levee and Drainage Commission."

House bill No. 17, "An Act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations; and for the government and control of the same; placing the same under the control and supervision of the Commissioner of Insurance and Banking; and providing for the admission in this State of foreign building and loan associations; and providing penalties for the violation of this act, and repealing all laws in conflict with this act."

House bill No. 65; "An Act creating the Belcher Independent School District in Montague county, Texas; defining its boundaries; providing for a board of trustees to manage and control public free schools within said district; divesting the city of Belcher of the control of its public free schools, and the title of all properties now held and used for public free school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws of this State, and declaring an emergency."

House bill No. 79, "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand, and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for the use of such cars if demand be made therefor; requiring such applicants to load cars when so furnished within forty-eight hours after delivery of same, and providing penalties; requiring the parties to whom such cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against any railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, and declaring an emergency."

House bill No. 38, "An Act to amend Article 7642, of Chapter 13, Title 126, Revised Statutes, 1911, providing for the redemption by the owner of lands or lots heretofore sold or that may here-

after be sold to the State, city or town for taxes, and declaring an emergency."

House bill No. 29, "An Act making appropriations to pay various miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this act, making appropriations for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and declaring an emergency."

House bill No. 44, relating to cotton classing.

House bill No. 74, relating to drainage districts.

House bill No. 18, "An Act to repeal Article 6214 of the Revised Statutes of 1911; to amend Article 6215, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners of the State penitentiary system need not be paid for Sunday labor; to amend Article 6220, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, and amending Article 6224, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, but only to the nearest depot to the point from whence sentenced or an equal distance."

House bill No. 61, creating Rising Star Independent School District.

House bill No. 89, local road law for Hopkins county.

House bill No. 95, local road law for Montague county.

Senate bill No. 34, creating county of Dunn.

(Signed by President Pro Tem. Carter.)

Senate bill No. 33, "An Act to authorize and empower San Patricio county or any political subdivision or any defined district now or hereafter to be described and defined, of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision, or any defined district now or hereafter to be described and defined, thereof, voting thereon to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, or any defined district now or hereafter to be described and defined, and to levy and collect

taxes to pay interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads, and declaring an emergency."

Senate bill No. 23, "An Act to name the several counties composing the Sixty-third Judicial District and fix the time for holding district courts therein, and to repeal all laws in conflict therewith, and declaring an emergency."

Senate bill No. 40, "An Act to amend Article 911 of the Penal Code of the State of Texas, as amended at the Regular Session of the Thirty-third Legislature, Chapter 135, page 186, Acts of the Thirty-third Legislature, so as to prevent taking fish or terrapin by drag seine during the breeding season, and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, and in all streams and canals leading from one body of salt water to another body of salt water in the State of Texas; to empower the Game, Fish and Oyster Commissioner to close waters against seining and netting under certain conditions, and to prevent seining during the breeding season in salt waters, and providing penalty for the violation of this act, and declaring an emergency."

Senate bill No. 54, "An Act to validate certain settlement on and purchase of public free school land, and declaring an emergency."

Senate bill No. 46, "An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and declaring an emergency."

Senate bill No. 53, "An Act to create a special district court for El Paso county, Texas, to be known as the Special District Court of El Paso county; to prescribe its jurisdiction; to limit its existence; to fix its terms; to conform all writs and process of said court to the district court of said county and to

such changes as are made in the jurisdiction of said court by this act; to empower the judge of a said special district court and the judges of the Thirty-fourth Judicial district court and the Forty-first Judicial district court of Texas to transfer cases from their respective courts to this court; to provide for appointment of a judge for said special district court; to fix his salary and term of office, and declaring an emergency."

Senate bill No. 29, "An Act to prohibit the creation of deficiencies or debts in the name of the State by regents, directors, officers or members of governing boards of any of the educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or the creating of any debt inconsistent with the existing laws, making invalid all such contracts and debts, prohibiting the diverting of funds, providing for penalties for violations of this act, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 24, "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, to wit: State Orphans' Home, Confederate Home, Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum, and North Texas Hospital for the Insane."

House bill No. 35, "An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to prohibit the interstate shipment and transportation of intoxicating liquors,' and declaring an emergency."

House bill No. 54, "An Act to amend Section 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's liens on real estate, and providing that said sections shall hereafter read as follows, and declaring an emergency."

House bill No. 78, "An Act providing for the abolition of drainage districts, heretofore organized, or that may here-



after be organized, under the general laws of the State of Texas, and providing a method for the creation of a trustee and treasurer to take charge of the property and effects of said abolished district, and for the collecting of claims or debts against such districts, and winding up the affairs thereof, and declaring an emergency."

House bill No. 84, "An Act to authorize the Governor to sell and conditionally relinquish to J. J. Kane of the city of Galveston, his heirs and assigns, or other persons, any right, title or claim the State of Texas has in and to certain flats, or lands under water, on the shores of Galveston bay, in Galveston county, for the purpose of the construction of a dry dock or marine railway, and authorizing the Governor of the State of Texas to make necessary conveyances, and declaring an emergency."

Senate bill No. 21, Memphis Independent School District.

House bill No. 9, "Blue Sky" law.

#### COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 89, A bill to be entitled "An Act to amend Chapter 37, Section 26 of the Special Laws of the Thirty-third Legislature, passed at the Regular Session, being a special road law for Hopkins county, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Townsend, Westbrook, Harley.

(Floor Report.)

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 61, A bill to be entitled "An Act to amend Section 1, Chapter 40, Special Laws, passed at the Regular Session of the Thirty-third Legislature, being 'An Act creating Rising Star Independent School District in Eastland county, Texas, and also containing terri-

tory in Brown county, Texas; providing for a board of trustees in said independent school district and conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed by the General Laws of this State upon independent school districts and the board of trustees thereof; providing that the taxes assessed for the old Rising Star Independent School District for the year 1913 shall be collected and paid to the treasurer of said Rising Star Independent School District hereby established, and declaring an emergency,"

Have had the same under consideration, and are instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment, and be not printed.

Johnson, Cowell, Darwin, Harley, Real, Astin.

(Floor Report.)

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

House bill No. 74, A bill to be entitled "An Act to amend Sections 7, 8, 23, 29, 36 and 61 of Chapter 118, General Laws passed by the Regular Session of the Thirty-second Legislature, so that they shall hereafter read as follows, and adding thereto Sections 23a, 23b and 36a, said amended and added sections to change the present law in regard to the organization and operation of drainage districts so as to give said districts more authority in the conduct and management of the affairs of the districts, reducing the fees allowed the county judges and county treasurers for approving and selling the bonds and handling the funds of the district, requiring drainage commissioners to render more frequent and complete reports of their official acts, and declaring an emergency,"

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass, and be not printed.

Brelsford, Chairman; Johnson, Wil-lacy, Collins, Hudspeth, Bailey of De Witt, Taylor, Conner.

Committee Room.

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 95, A bill to be entitled "An Act to amend Section 9 of the special road law for Montague county, passed at the Regular Session of the Thirty-third Legislature, relating to the salaries of county commissioners, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

TERRELL, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 46, "An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; and authorizing recovery upon the bond and forfeiture of license of retail dealers violating any law of this State relating to the regulation, sale or transportation of intoxicating liquors, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of Texas be so amended as to hereafter read as follows:

Art. 7435. Any person or persons desiring to obtain a retail liquor dealer's license in this State or a retail malt dealer's license shall, before filing his or their petition for such license with the county judge as now provided by this law, make application under oath to the Comptroller of Public Accounts of this State for a permit to apply for a license to engage in such business, which application shall be in form substantially as follows:

To the Comptroller of Public Accounts of the State of Texas:

I, or we, .....and....., of the county of ....., State of

Texas, hereby apply for a permit to apply for a license to engage in the business of retail liquor dealer or dealers (or retail malt dealer or dealers) under the laws of this State, said business to be conducted at No. .... Street, in ..... in the county of ....., State of Texas; that there is now no statute or ordinance of the city in force prohibiting the retail sale of liquors at said place that I, or we, have resided for the past two years in ..... county, State of Texas, and during said time have been engaged in the business of.....; that I am, or we are, not disqualified under the laws of this State from engaging in the proposed business; that no other person or corporation is in any manner interested in or to be interested in the proposed business; that I, or we, have not, since the first day of May, A. D. 1909, as owner, or as the representative, agent or employe of any other person, kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, were sold, or sold, aided or advised any other person selling in or near any such house or place of business any such liquor after 12 o'clock, midnight, on Saturday, and between that hour and 5 o'clock a. m. of the following Monday of any week; and have not since the first day of July, A. D. 1913, as owner or as the representative, agent or employe of any other person kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquor after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. of the following Monday of any week or between the hours of 9:30 p. m. and 6 o'clock a. m. of the following morning of any week day; or since said date, either in person or by agent or employe, knowingly sold or permitted to be sold or given away in or near any such place of business, any spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, to any person under the age of 21 years, or to any student of any institution of learning, or to any habitual drunkard, after having been notified in writing through the sheriff or other peace officer, by the wife, sister, father, mother or daughter of such person not to sell to

such habitual drunkard; or permitted any person not over the age of 21 years to enter and remain in such house or place of business, or permitted any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rented or let any part of the house or place of business in which such business was conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sold or given away any adulterated or impure liquors of any kind, or sold or permitted, aided or advised in selling under a retail malt dealer's license any other liquors than those defined by the law as malt liquors. And if the permission herein sought be granted and the said retail license be issued, I, or we, will not, either in person, or knowingly by an agent, employe or representative, during the year for which such license shall run, keep open house or place where liquors shall be sold under such license or transact any business in such house or place of business after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week; or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; or knowingly sell in or near any such place of business, or give away, or permit to be given away, any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, to any person under the age of 21 years, or to any student of any institution of learning, or to any habitual drunkard, after having been notified in writing, through the sheriff or other peace officer, by the wife, mother, father, daughter or sister not to sell to such habitual drunkard; or to permit any person not over the age of 21 years to enter and remain in such house or place of business; or permit any game prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rent or let any part of the house or place of business in which such business is conducted to any person or persons, for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sell or give away any impure liquor or adulterated liquors of any kind; and if the application be for a retail malt dealer's license, it shall further state that he or they under the said license,

will not sell any other liquors than those defined by law as "malt liquors." And it is hereby agreed that if the license to be applied for be issued, that the same will be issued upon condition that it shall remain in force only so long as I, or we, observe and carry out each and all of the declarations herein made, and that in the event I, or we, violate any of the promises or do or perform any one or more of the acts which it is herein declared shall not be done or performed, or in the event that I, or we, violate any law of this State relating to the regulation, sale or transportation of intoxicating liquors that either the county judge or the Comptroller of Public Accounts of the State of Texas, in the manner provided in this law, may rescind, cancel and annul the said State and county license granted in pursuance of this application, and that all money paid for such license shall be forfeited to the State and county or city to whom paid; and I, or we, will at once, upon the cancellation of such license, close up the place where such business is being conducted, and cease to do such business, and will not within five years from that date again, either as owner, agent, representative or employe of any other person, attempt to enter into or engage in the retail liquor business, unless the order of the Comptroller canceling and rescinding such license shall be annulled, in case such license shall have been canceled by the Comptroller.

.....  
.....

Sworn to and subscribed before me,  
....., within and for the county  
of....., State of Texas, by.....,  
on this, the....day of.....19....

(L. S.) (Signature of Officer.)

That, upon receiving such application, it shall be the duty of the Comptroller to file the same and keep it as a permanent record in his office, to examine and act upon the same; and, if he is satisfied that such applicant is entitled to such permit, he shall, upon the payment to him by the applicant of \$2.00, issue to him such permit, under his hand and the seal of his office, which together with a copy of such application, duly certified to under the hand and seal of the Comptroller, shall be delivered by him to the applicant; and the said permit, together with the certified copy of said application, shall be filed

with the county judge, together with the petition for license to be filed with the county judge, and shall remain a permanent record in the office of the county judge; and no petition for a license shall be entertained by the county judge until said certified copy and permit have been filed with him by the applicant.

Art. 7442. Upon receipt of the said depositions, the Comptroller shall open and proceed to consider the same, and, if he shall determine from the preponderance of the credible evidence therein contained, that at any time after the issuance of said license the house or place where the business of selling liquors under said license was conducted was kept open and business conducted therein after 9:30 p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week, or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, or that any intoxicating liquors or medicated bitters capable of producing intoxication were knowingly sold, permitted to be sold or given by the holder or holders of such license to any person under the age of 21 years, or to any student of any institution of learning, or to any habitual drunkard after having been notified in writing through the sheriff, or other peace officer, by the wife, mother, father, daughter or sister of such habitual drunkard not to sell same to him, or that any person not over the age of 21 years had been permitted to enter and remain in such house or place of business, or that games prohibited by laws of this State had been permitted to be played, dealt or exhibited in or about such house or place of business, or that the person or persons holding such license had rented or let any part of the said house or place of business where such business is conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State, or that the person or persons holding such license had knowingly sold or given away any adulterated or impure liquors of any kind, or sold or knowingly permitted to be sold, or aided or advised in selling, under a retail malt dealer's license, any other liquors than those defined by law as malt liquors, he shall rescind, vacate and withdraw such license, and shall issue a certificate in triplicate under his hand and the seal of said office declaring the rescission of such license, theretofore issued, to such person or persons, one copy of which

certificate shall remain on file in his office, and one copy shall be forwarded by the Comptroller by mail to the county judge of the county where the place of business of the person or persons whose license is withdrawn and rescinded is located, and the other copy shall be forwarded by mail to the person or persons whose license has been so rescinded and withdrawn; and it shall be unlawful thereafter for such person or persons to continue such business, and any attempt to do so shall subject him or them to the penalty herein provided for pursuing such business without a license; and any person or persons whose license has been so rescinded and withdrawn shall forfeit to the State, county and city all money paid therefor, and they shall never have any claim against the State, county or city on account of any money paid for such license.

Art. 7451. Every person or firm having a license under the provisions of this law, who may be engaged in or who may hereafter engage in the sale of intoxicating liquors to be drunk on the premises in any locality of this State, other than where local option is in force, shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week; or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 9:30 p. m. Saturday until 6 a. m. of the following Monday of each week; and between the hours of 9:30 p. m. and 6 a. m. of any week day.

Art. 7452. Every person or firm desiring to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication to be drunk on the premises, shall, before engaging in such sale, be required to enter into a bond in the sum of five thousand dollars; provided, however, that any person or firm dealing exclusively in malt liquors shall be required to give bond in the sum of one thousand dollars, with at least two good, lawful and sufficient sureties, and the sureties required by law on the bonds of liquor dealers shall make affidavit, before some officer authorized to administer oaths that they, in their own right, over and above all exemptions, are each worth the full amount of the bond they



sign as sureties; and no county judge shall approve any such bond unless the affidavit as provided for in this article shall have been duly made. The approval of any such bond by the county judge without such affidavit shall make said county judge liable for any penalty recovered on such liquor dealer's bond; and any person who shall make any false affidavit, as required by this law, shall be punished as provided for in the Penal Code of this State; provided, that nothing herein shall prevent the making of such bond by a surety company as permitted by law, payable to the State of Texas, to be approved as to security by the county judge; which bond shall be conditioned that said person or firm so selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, shall not, either in person or knowingly by any agent, employe or representative, during the year for which such license shall run, keep open the house or place where liquors shall be sold under such license for the sale thereof, or transact such business in such house or place of business, after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock on the following Monday of any week, or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and that such person or firm shall keep an open, quiet and orderly house or place for the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, and that such person or firm, or his or their agent or employe, will not sell or permit to be sold in his or their house or place of business, nor give or permit to be given any spirituous, vinous, or malt liquors, or medicated bitters capable of producing intoxication, to any person under the age of 21 years, or to a student of any institution of learning, or any habitual drunkard, after having been notified in writing, through the sheriff or other peace officer, by the wife, father, mother, daughter or sister of such habitual drunkard, said notice shall be in force and effect for a period of two years, not to sell to any such person, or that he or they will not permit any person under the age of 21 years to enter and remain in such house or place of business; that he or they will not permit any games prohibited by the law of this State to be played, dealt or exhibited in or about such house or place of business, and that he or they will not rent or let any part of

the house or place in which he or they have undertaken to sell spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State, and that he or they will not adulterate the liquors sold by them in any manner, mixing the same with any drug, and that he or they will not knowingly sell or give away any impure or adulterated liquors of any kind, and that he or they will not violate any law of this State relating to the regulation, sale or transportation of intoxicating liquors, which said bond shall be filed in the office of the county clerk of the county where such business is conducted, and shall be recorded by such clerk in a book to be kept for such purpose; for which service said clerk shall be entitled to a fee of seventy-five cents; which said bond may be sued on at the instance of any person or persons aggrieved by the violations of its provisions, and such person shall be entitled to recover the sum of five hundred dollars as liquidated damages for such infraction of the conditions of such bond; and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries brought on said bond, as above indicated, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county and district attorneys, or either of them, to institute suit thereupon; or any person owning real property in the county may institute suit thereupon in the name of the State of Texas, for the use and benefit of the county, but no compensation shall be allowed such citizen, and he may be required to give security for costs; and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties upon the liquor dealer's bond, upon the breach of any of the conditions thereof; and thereafter when any recovery is had by any person or by any county or district attorney, for the use and benefit of the county in any action in any court of competent jurisdiction, upon the bond of any person or firm engaged in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or malt liquors exclusively, to



be drunk on the premises, in any locality other than where local option is in force, upon the ground that such license sold, or permitted to be sold, or gave or permitted to be given, any such liquors to a minor in his place of business, or permitted a minor to enter or remain in his place of business, or sold such liquor to any habitual drunkard, after having been notified in writing not to sell to such habitual drunkard, or that such license permitted prostitutes or lewd women to enter and remain in his place of business, or permitted any games prohibited by the law to be played, dealt or exhibited in or about his place of business, or of renting or letting his place of business, or any part thereof, for such purpose or purposes, the license of such person or firm shall, by reason of such recovery, be forfeited, revoked and canceled; and the court entering judgment of recovery shall also enter an order declaring forfeited, revoked and canceled such license; and the unearned portion of the occupation tax paid therefor shall not be refunded, but shall be forfeited to the State and county, city or town to which the money for the same may have been paid. And any person or firm who shall sell any such liquors or medicated bitters in any quantity, to be drunk on the premises, without first giving bond, as required by law, or who shall sell the same after said license shall have been forfeited, revoked or canceled shall be deemed guilty of a misdemeanor, and on conviction shall be fined in the same amount provided for sales where no license has been obtained. An open house in the meaning of this chapter is one in which no screens or other device is used or placed inside or outside of such house or place of business for the purpose of or that will obstruct the view through the open door or place of entrance into any such house or place where intoxicating liquors are sold to be drunk on the premises. A quiet house or place of business, in the meaning of this chapter is one in which no music, loud or boisterous talking, yelling or indecent or vulgar language is allowed, used or practiced, or any other noise calculated to disturb or annoy any person residing or doing business in the vicinity of such house or place of business, or those passing along the streets or public highways. By an orderly house is meant one in which no prostitutes or lewd women are allowed to enter or remain; and it is further pro-

vided, that said house must not contain any vulgar or obscene pictures. Any surety on such bond may relieve himself from further liability thereon by giving the principal in said bond notice in writing that he will no longer remain as surety thereon, and filing with the county judge an affidavit that such notice has been given; and, if within five days after such notice the principal fails to make a new bond, he shall cease to pursue said business until a new bond is given. Any person who shall continue to pursue said business after such notice is given and such affidavit is filed, shall be guilty of a misdemeanor and shall be punished as provided in cases where no license has been procured; provided, that where the sale was made in good faith, or the minor permitted to enter and remain in good faith, with the belief that the minor was of age, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; provided further, that where the sale to any habitual drunkard is made in good faith, with the belief that he is not an habitual drunkard, and there are good grounds for such belief, that shall be a valid defense to any recovery on such bond; provided, the provisions of this law shall apply to suits by the State or of any individual. Provided, that no license shall be issued under this law to any person who has been convicted of a felony and served such term of conviction.

Sec. 2. The fact that there is no civil law governing applications for a license and providing for a forfeiture of license for violations of the criminal law prohibiting liquor dealers from selling liquors or keeping open their place of business after 9:30 p. m., creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 9 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 29, "An Act to prohibit the creation of deficiencies or debts in the name of the State by regents, directors, officers or members of governing boards of any of the educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or the creating of any debt inconsistent with existing laws, making invalid all such contracts and debts, prohibiting the diverting of funds; providing for penalties for violations of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall hereafter be unlawful for any regent, or regents, director or directors, officer or officers, member or members, of any educational or eleemosynary institution of the State of Texas, to contract or provide for the erection or repair of any building, or other improvement, or the purchase of equipment or supplies of any kind whatsoever for any such institution, not authorized by specific legislative enactment, or by written direction of the Governor of this State acting under and consistent with the authority of existing laws, or to contract or create any indebtedness or deficiency in the name of or against this State, not specifically authorized by legislative enactment, or to divert any part of any fund provided by law to any other fund or purpose than that specifically named and designated in the legislative enactment creating such fund, or provided for in any appropriation bill.

Sec. 2. That any and all contracts, debts or deficiencies created contrary to the provisions of this act shall be wholly and totally void, and shall not be enforceable against this State.

Sec. 3. That any regent, director, officer or member of any governing board of any educational or eleemosynary institution, who shall violate this act shall be at once thereafter removed from his position with such institution, and shall not thereafter be eligible to hold said position and in addition thereto shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a period of not less than ten days, nor more than six months, the venue of such case to be in the county in which may be located the institution affected by such acts of such offender.

Sec. 4. That all laws and parts of laws in conflict herewith be, and the same are, in all things repealed.

Sec. 5. The fact that the reckless and unwise creation of deficiencies in connection with some of our State educational and eleemosynary institutions constitute great evils in the administration of said institutions, and the lateness of the session creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended, and said rule is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 8:50 o'clock p. m., presented same to the Governor for his approval.

DARWIN, Acting Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 35, "An Act appropriating the sum of five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the contingent expenses of the First Called Session of the Thirty-third Legislature.

Sec. 2. The fact that sufficient money is not available for the purpose of paying the contingent expenses as above stated, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read upon three several days be suspended, and the same is hereby suspended and this bill placed upon its third reading and final passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 25, "An Act to authorize the Governor, Attorney General and Commissioner of the General Land Office to lease the water rights in the Guadalupe river, in DeWitt county, upon such terms and for such consideration as they may prescribe, and providing priority of interest in leasing and also providing means of adjusting damages for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation; the manner of measuring water, and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made and fixing the rights of purchasers of said leaseholds, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The Governor, the Attorney General and the Commissioner of the General Land Office of the State of Texas, or any two of them, be and are hereby authorized to lease to Cuero Light and Power Company or any other person, firm or corporation upon such terms and for such consideration as they may prescribe for a period not to exceed fifty years, any or all the water rights belonging to the State of Texas in and to the Guadalupe river in DeWitt county; provided, also, that the Governor, the Attorney General and the Commissioner of the General Land Office shall lease said water rights to said Cuero Light and Power Company, or to any other parties, at a rate of not less than one-tenth of one per cent annually upon the gross earnings of said lessees.

Provided, however, that the water rights granted shall be for hydro-electric and power purposes only, and no one person, firm or corporation shall be granted the right to construct a greater number of dams in said river than is sufficient to generate with machinery ordinarily used for such purposes, not exceeding 1800 h. p. measured when the river is at its minimum flow, calculated

by the standard method of hydraulic measurement.

Provided further, that any firm, corporation or person to whom such lease is made shall distribute the power when sold to the public without discrimination, and shall sell the same to consumers in the same class and under like conditions at the same price and upon the same terms.

Provided, however, said leasehold may be sold, but no encumbrance or sale of leasehold which creates a trust or monopoly shall ever be made nor shall any sale or leasehold ever be made to any trust or monopoly.

Provided, also, that any lienholder, bondholder or purchaser shall have no greater rights than the lessees hereunder, and shall be subject to the same liabilities and duties to the State.

Sec. 2. Said lessee or lessees shall have the right, power, privilege and authority to maintain any dam already in existence and to erect, build, construct, maintain and operate additional dams across the Guadalupe river, in DeWitt county, Texas, and to build reservoirs, lakes, locks, abutments and buildings across the Guadalupe river, in said county, necessary for the use of the privileges and rights hereby granted them; and any person, firm or corporation now owning dams or having acquired property for the purpose of building a dam or dams under this act, shall have priority over others in making such lease or leases, and in the event a lease or leases shall be made to some person, firm or corporation other than one having a dam or dams or having acquired property for the purpose of constructing a dam or dams across said river in said county, then the person, firm or corporation so leasing said water rights and bed of said stream shall under the condition of such lease or leases be required by the Governor, Attorney General and Commissioner of the General Land office, or any two of them, to compensate the owner of said dam or dams now constructed, or property now acquired in such amount, and upon such terms as may be fixed by the Governor, Attorney General and Commissioner of the General Land Office, and if lease or leases are made to others than the owners of the property above described, then the fact of leasing will require party leasing to submit to the arbitration herein provided.

Sec. 3. Said lessee shall have the right, power, privilege and authority, in

any manner<sup>3</sup> to dam and overflow the Guadalupe river and its tributaries in said county, and in any manner to deepen, lower, drain and excavate said channel to said river, its bed and banks and up said stream as far as the water from said dams may be backed or impounded and to include said Guadalupe river and its tributaries from said point up said stream as far as the water being backed or impounded from said dam shall extend.

Sec. 4. The great benefit to be derived by the public in general and by the citizens of Cuero, in DeWitt county, Texas, in particular, and the fact that said water is now daily going to waste, creates an imperative public necessity, necessitating the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and also creates an emergency that this act shall take effect and go into force from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 34, and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 28, and find it correctly enrolled, and have this day, at 9:30 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.  
Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 36, and find it

correctly enrolled, and have this day, at 9:30 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 48, and find it correctly enrolled, and have this day, at 9:30 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 56, and find it correctly enrolled, and have this day, at 9:30 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 57, and find it correctly enrolled, and have this day, at 9:30 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 33, and find it correctly enrolled, and have this day, at 9:30 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 54, and find it correctly enrolled, and have this day, at

8:50 o'clock p. m., presented same to the Governor for his approval.

DARWIN, Acting Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 21, and find it correctly enrolled, and have this day, at 8:50 o'clock p. m., presented same to the Governor for his approval.

DARWIN, Acting Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 53, and find it correctly enrolled, and have this day, at 8:50 o'clock p. m., presented same to the Governor for his approval.

DARWIN, Acting Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 40, and find it correctly enrolled, and have this day, at 8:50 o'clock p. m., presented same to the Governor for his approval.

DARWIN, Acting Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 23, and find it correctly enrolled, and have this day, at 8:50 o'clock p. m., presented same to the Governor for his approval.

DARWIN, Acting Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 22, and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 45, "An Act creating the Files Valley Orphans' Home Independent School District, providing for the appointment of trustees of said district, defining the boundaries thereof, and declaring an emergency."

And find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.



# SENATE AND HOUSE BILLS AND RESOLUTIONS—HISTORY OF IN THE SENATE.

## SENATE BILLS, HISTORY OF IN THE SENATE (In numerical order)—

(Note: First number following subject matter indicates page where introduced, read first time and referred to committee.)

1. By Senator Willacy: Making appropriation to pay mileage and per diem of members and employes for the first called session of the Thirty-third Legislature, 10.—Reported favorably, be not printed, 10.—Senate rule suspended; constitutional rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 11.—Reported engrossed, 15.—Received from House, 20.—Signed, 32.—Reported enrolled, 32.
2. By Senator Willacy: Making appropriation to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, 10.—Reported favorably, be not printed, 11.—Senate rule suspended; constitutional rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 12.—Reported engrossed, 15.—Received from House, 20.—Signed, 32.—Reported enrolled, 32.
3. By Senator Taylor et al.: Providing for the election of United States Senators by direct vote of the people, 10.—Reported favorable majority, with amendments; favorable minority, with amendments, 22-23.—Read second time; minority committee report adopted; pending, 34.—Taken up; amended; ordered engrossed; constitutional rule suspended, 36.—Further action postponed and bill, as engrossed, printed in Journal, 38.—Reported engrossed, 45.—Read third time; amended and passed, 41.
4. By Senator Hudspeth: Providing for the retirement of \$500,000.00 in bonds of the State of Texas, 10.—Reported favorably, be not printed, 22.—

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- Senate rule suspended; read second time; committee report adopted; laid on the table subject call, 17.—Called up; amended; ordered engrossed; constitutional rule suspended; read third time and passed, 18.—Reported engrossed, 23.
5. By Senator Darwin: Relating to the sale and purchase in this State, stocks, bonds or other obligations of private and foreign corporations (Blue Sky Law), 27.
  6. By Senator Warren: Providing for the revision of the law governing the State penitentiaries, 43.—Reported favorably, with amendments, 48.—Made special order, 92.—Postponed and made special order, 98.—Read second time; committee report adopted; amended, pending, 108, 110.—Taken up; amended, pending, 112.—Taken up; amended, pending, 115, 116, 117, 118, 119, 120.—Taken up, amended, pending, 154, 155, 156, 157.—Taken up, amended, passed to engrossment; constitutional rule suspended; read third time and passed, 277.—Reported engrossed, 324.
  7. By Senators Wiley and Darwin: Prescribing conditions by which foreign corporations may obtain permits to do business in Texas, 47.—Reported favorably, 91.—Read second time, amendment offered, and referred to special committee to draft new bill, 101.
  8. By Senator Willacy et al.: Relating to payment of in-county witnesses in felony cases, 47.—Reported adversely, 91.
  9. By Senator Morrow: Providing for the indeterminate sentence of prisoners convicted of a felony and for the termination of such sentence, etc., 47.
  10. By Senator Hudspeth: To regulate and supervise the purchase and sale of stock, bonds, etc., in this State, of private, foreign and domestic corpo-

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rations, 92.—Reported adversely, with favorable substitute, 121.

11. By Senators Darwin and Wiley: To regulate the sale of stock certificates and debentures of any domestic or foreign corporation that is sought to be organized under the laws of this State, 92.—Reported favorably, 124.
12. By Senator Morrow: Amending Act of Regular Session, relating to indeterminate sentences of persons convicted of certain crimes in felony cases, 93.—Reported favorably, be not printed, 93.—Read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time and passed, 111.—Reported engrossed, 126.—Received from House, 340.—Signed, 529.—Reported enrolled, bill in full, 533.
13. By Senator Morrow: An Act requiring applications under oath to be made for witnesses in felony cases and to provide fees for witnesses residing in the county, in felony cases, 100.—Reported favorably, with amendments, 125.
14. By Senator Brelsford: Providing for the revision of the law governing the State penitentiaries, 100.—Reported favorably, 125.—Read second time and laid on table subject to call, 207.
15. By Senator Townsend: Authorizing the Board of Prison Commissioners to work convicts on the public roads, 107.—Reported favorable majority; adverse minority, 120.
16. By Senator Hudspeth et al.: Authorizing formation of private corporations for the purpose of acquiring and improving lands, 211.—Reported favorably, 216.—Read second time; amended; pending, 287.—Taken up; amended; pending, 316, 317, 318, 319.—Taken up; amended; ordered engrossed; constitutional rule suspended; read third time and passed, 343.—Reported engrossed, 372.
17. By Senators Hudspeth and Brelsford: An Act to determine the existence of vacant lands belonging to the State, 211.
18. By Senator Hudspeth: To reorganize the Thirty-fourth Judicial

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19. By Senators Conner and Carter: Providing for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas, 256.—Reported favorably, be printed in the Journal, 290.—Bill in full, 290.
20. By Senator Gibson et al.: To create a State bonded warehouse system and to create a State warehouse commission, 268.—Reported favorably, be printed in Journal, 292.—Bill in full, 292. —Name of one of the authors withdrawn from bill, 372.
21. By Senator Johnson: Amending Memphis Independent School District in Hall county, Texas, 281.—Reported favorably, be not printed, 289.—Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 363.—Reported engrossed, 373.—Received from House, with amendments, 546.—Senate concurs in House amendments, 548.—Signed, 585.—Reported enrolled, 594.
22. By Senator Johnson: Creating a special road law for Hall county, Texas, 281.—Reported favorably, be not printed, 288.—Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 348.—Reported engrossed, 386.—Received from House, 435.—Signed, 529.—Reported enrolled, 594.
23. By Senator Hudspeth: Naming the several counties composing the Sixty-third Judicial District and fixing the time for holding court therein, 281.—Reported favorably, be not printed, 323.—Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 433.—Reported engrossed, 532.—Received from House, 548.—Signed, 584.—Reported enrolled, 594.
24. By Senator Gibson: Relating to the removal and extension of liens that are secured by deeds of trust, 281.—Reported favorably, be printed in the Journal, 333.—Bill in full, 333.

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25. By Senator Bailey of DeWitt: Authorizing the leasing of the waters of the Guadalupe river in DeWitt county, 281.—Reported favorably, be not printed, 289.—Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 342.—Reported engrossed, 386.—Received from House, with amendments, 435.—Senate concurs in House amendments, 463.—Signed, 529.—Reported enrolled, bill in full, 592.
26. By Senator Brelsford et al.: Providing for the appointment of notaries public at a special session of Legislature, 281.—Reported favorably, be not printed, 288.—Senate rule suspended; constitutional rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 285.—Reported engrossed, 324.—Received from House, 391.—Signed, 408.—Reported enrolled, 417.
27. By Senator Westbrook et al.: Providing for the issuance of attachments in suits founded on tort, 281.—Reported favorably, be not printed, 322.
28. By Senator McNealus: Local road law for Dallas county, 281.—Reported favorably, be not printed, 287.—Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 345.—Reported engrossed, 386.—Received from House, 547.—Signed, 582.—Reported enrolled, 593.
29. By Senator Nugent: To prohibit the creation of deficiencies in the name of the State by the regents and boards of managers of the various institutions of the State, 282.—Reported favorably, be printed in Journal, 328.—Bill in full, 328.—Read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended, read third time and passed, 349.—Reported engrossed, 373.—Received from House, 548.—Signed, 584.—Reported enrolled, bill in full, 590.
30. By Senator McGregor: To change the time of holding court in the Twenty-sixth and Fifty-third Judicial Districts, 282.—Reported favorably, be not printed, 323.
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33. By Senator Willacy: Creating a special road law for San Patricio county, 282.—Reported favorably, be not printed, 288.—Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 345.—Reported engrossed, 416.—Received from House, 547.—Signed, 583.—Reported enrolled, 593.
34. By Senator Willacy: To create the county of Lott (Dunn), 283.—Reported favorably, be not printed, 288.—Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 347.—Reported engrossed, 417.—Received from House with amendments, 581.—Senate concurs in House amendments, 581.—Signed, 583.—Reported enrolled, 593.
35. By Senator Willacy: Making appropriation to supplement the contingent expense fund for the First Called Session of the Thirty-third Legislature, 283. — Reported favorably, be not printed, 321.—Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 348.—Reported engrossed, 416.—Received from House, 466.—Signed, 529.—Reported enrolled, bill in full, 591.
36. By Senator Warren: Amending the Kaufman county local road law, 283.—Reported favorably, be not printed, 287.—Read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time and passed, 406.—Reported engrossed, 533.—Received from House, 548.—Signed, 582.—Reported enrolled, 593.
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38. By Senator Carter: Relating to railroad companies furnishing cars to shippers upon demand, 283.—Reported favorably, be not printed, 322.

39. By Senator Warren: Providing for the raising of sufficient fund for the construction of necessary buildings for the University of the State of Texas, 283.—Reported, favorable majority, be printed in Journal; adverse minority, 329.—Bill in full, 329.—Made special order, 370.—Read second time; majority committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time and passed, 392, 395.—Reported engrossed, 415.

40. By Senator Wiley: Relating to the fish industry of Texas, 283.—Reported favorably, be not printed, 385.—Senate rule suspended; read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time and passed, 371.—Reported engrossed, 416.—Received from House, 548.—Signed, 584.—Reported enrolled, 594.

41. By Senators Terrell and Darwin: To create a State highway department 283.—Reported favorably, be printed in the Journal, 324.—Bill in full, 324.—Refused to take up, 432.

42. By Senator Terrell et al.: Conferring additional powers and authority upon State banks and State banks and trust companies, 310.—Reported favorably, be not printed, 321.

43. By Senator Terrell: Relating to taxation of property in county line independent school districts, 311.—Reported favorably, be not printed, 322.

44. By Senator Collins: Authorizing the city of Nacogdoches to sell to the United States part of the main plaza for a Federal building, 311.—Reported favorably, be not printed, 385.

45. By Senator Morrow: Creating the Files Valley Orphans Home Independent School District, 311.—Reported favorably, be not printed, 322.—Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 349.—Reported engrossed,

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47. By Senator Gibson: Creating the Hudsonville Independent School District in Fannin county, 316.—Reported favorably, be not printed, 531.

48. By Senator Hudspeth: To create a more efficient road law for Mason county, 342.—Reported favorably, be not printed, 382.—Constitutional rule suspended; read second time; Senate rule suspended; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 351; report engrossed, 415.—Received from House, 547.—Signed, 582.—Reported enrolled, 593.

49. By Senator McNealus by request: To permit the use of the co-insurance clause in policies of insurance at the option of the assured, or the property owner, 342.—Reported favorably, be not printed, 409.

50. By Senator Gibson, by request: Providing for the repeal of what is known as the insurance technicality bill, Chapter 105, Acts of the Regular Session of the Thirty-third Legislature, 345.—Reported favorably, be not printed, 410.

51. By Senator Cowell: Relating to the maturities of county bonds, 364.—Reported favorably, be not printed, 409.

52. By Senator Cowell: Relating to the insurance of road bonds, 364.—Reported favorably, be not printed, 410.

53. By Senator Hudspeth: To create a special district court for El Paso county, 364.—Reported favorably, be not printed, 372.—Constitutional rule

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54. By Senators Hudspeth and Willacy: To validate certain land settlements on purchase of public free school land, 364.—Reported favorably, be not printed, 409.—Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 467.—Reported engrossed, 533.—Received from House, 552.—Signed, 584.—Reported enrolled, 593.

55. By Senator Collins: Relating to taxation of lands in county line independent school districts, 388.—Reported favorably, be not printed, 531.

56. By Senator Hudspeth: Prescribing the time for holding court in the Thirty-eighth Judicial District, 388.—Reported favorably, be not printed, 411.—Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 493.—Reported engrossed, 533.—Received from House, 549.—Signed, 582.—Reported enrolled, 593.

57. By Senator Harley: Creating the Gonzales Independent School District in Gonzales county, 388.—Reported favorably, be not printed, 410.—Constitutional rule suspended; Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed, 399.—Reported engrossed, 415.—Received from House, 546.—Signed, 582.—Reported enrolled, 593.

58. By Senator Wiley: Naming the several counties composing the Sixteenth Judicial District, 389.

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1. By Senators Gibson and Cowell: Requesting the proper officials to withhold from the general revenue, for a short time the money collected from the Standard Oil Company, 27.—Reported favorably, be not printed, 29.—Senate rule suspended; read and adopted, 29.—Received from House with amendments, 34.—Motion made to non-concur in House amendments and request a free conference committee made and postponed, 36.—Senate held House amendment not germane to resolution, 40.—House notifies Senate that House holds amendment germane, 46.

2. By Senator Warren: Providing for the publishing of the report of the Penitentiary Investigating Committee, 30.—Read and adopted, 30.—House amendments concurred in, 43.—Vote by which House amendments concurred in rescinded, 47.

3. By Senators Terrell and Astin: Providing for requesting members of Congress from Texas to vote against what is known as the Clark amendment to the tariff bill, 114.—Reported adverse majority; favorable minority, 215.

4. By Senator Lattimore: Granting James W. Swayne, district judge of Tarrant county, leave of absence from the State, 115.—Reported favorably, 120.

5. By Senator Bailey of Harris: Providing for the appointment of a State Commission to solicit funds for the erection of exhibition buildings at the Panama-Pacific Exposition at San Francisco, California, 268.—Reported favorably, be not printed, 385.—Read and passed, 360.—Reported engrossed, 373.—Received from House with amendments, 392.—House amendments concurred in, 394.—Signed, 529.—Reported enrolled, 535.

6. By Senator Willacy: Amending joint rules with reference to passage of bills during the last twenty-four hours of session, 547.



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By Senator Hudspeth et al.: In memory of the late Senator W. J. Greer, 13.

By Senator Westbrook: Providing that members may remove their coats during the sessions, 14.—Read, amended and tabled, 14.

By Senator Hudspeth: Extending condolence to Senator Nugent on account of the death of his mother, 15.

By Senator Brelsford: Providing for addition to committee on constitutional amendments, 16.

By Senator Hudspeth et al.: Relating to death of Senator Kauffman of Galveston, 15.

By Senator Lattimore: Providing for seating Earl M. Greer as Senator from the Seventh Senatorial District, 16.

By Senator Watson: Providing for copies of session acts, regular session Thirty-third Legislature, to be furnished members, 18.

By Senator McGregor: Providing for per diem pay for officers and employees of the Senate, 18.—Reported and report adopted, 30.

By Senator McNealus: Relating to the printing of the report of the Penitentiary Investigating Committee, 20.—Committee report on, 30.

By Senator Hudspeth: Relating to requesting the government of the United States to extend protection to American citizens residing in the Republic of Mexico and along the borders, 21.—Read and referred to Committee on Federal Relations, 21.—Reported favorable majority; adverse minority, 30.—Majority committee report adopted; amended and adopted, 30, 31.

By Senator Johnson: Requesting the Superintendent of Public Buildings and Grounds to keep capitol building lighted until midnight during the session, 21.

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By Senator McNealus: Providing for addition to Committee on Federal Relation, 27.

By Senator Hudspeth: Allowing postage for Senate officers, 40.

By Senators Brelsford and Bailey: Accepting invitation to attend the barbecue and reception at the home of Senator McGregor, 42.

By Senator McNealus: Relating to the printing of additional copies of the Penitentiary Investigating Report, 44.

By Senator Collins: Proposing the adoption of the report of the special committee to investigate such convicts confined in the State penitentiary who are eligible to being pardoned under the indeterminate sentence law, 45.—Called up; amended; pending, 89.—Taken up; amended; pending, 89, 90.—Taken up; amended and adopted, 98.

By Senator Hudspeth: Providing for addition to Committee on State Penitentiaries, 45.

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By Senator Warren: Giving notice of waiver by Von Boeckmann-Jones Co. on account of printing Penitentiary Investigating Report, 88.

By Senator Clark: Providing for additional copies of the daily Journal, 92.

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By Senator Clark: Providing for the placing of an additional fan in the Senate Chamber, 99.—Referred to Committee on Contingent Expenses, 99.

By Senator Brelsford: Relating to proceedings in contest between A. C. Oliver and C. A. Wheeler for seat in first Senatorial District, 105. — Read, amended and adopted, 106, 107.

By Senator McNealus: Inviting ex-Senator J. M. Terrell to address the Senate, 106.

By Senator Morrow: Inviting Hon. M. M. Crane of Dallas to address the Senate, 106.

By Senator Clark: Relating to hours of service of the Senate stenographers, 107.

By Senator Lattimore: Expressing appreciation of entertainment and barbecue given by Senator McGregor at his home, 110.

By Senator Watson: Providing for employment of counsel for contestants for seat in First Senatorial District, 112.—Reported adversely, 125.—Refused to take up report, 389.

By Senator Johnson: Inviting former Senator Jno. W. Veale of Amarillo to address the Senate, 115.

By Senator Watson: Providing for addition to Committee on Commerce and Manufactures, 116.

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By Senator Taylor: Inviting Governor O. B. Colquitt to address the Senate, 118.

By Senator Lattimore: Requesting W. T. Eldridge to submit proposed plans for management of the State penitentiary to the Legislature, 152.

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By Senator Terrell: Requesting Governor to submit subject to create a State Highway Department, 256.

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By Senator Collins: Relating to per diem pay for Senator A. C. Oliver, as member of the Senate from date that certificate of election was filed with the Senate, 339.—Read; amended; referred to Committee on Privileges and Elections, 339.—Reported adversely, 385.

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By Senator Collins: Providing for the purchase of copies of Harris' Annotated Constitution, 467.

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By Senator Watson: To authorize the chairman of Committee on Privileges and Elections to approve certain accounts on account of the recent contest in the Senate, in lieu of the Chairman Contingent Expense Committee, 560.

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1. Making appropriation for the judiciary, 20.—Reported favorably, 48.—Read second time; committee report adopted; amended; passed to a third reading; constitutional rule suspended; read third time and passed, 102, 103, 104.—Signed, 120.

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